

# The legal and political status of women in the United States.

Jennie L. Wilson





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*The legal and political status of women in the United States.*  
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# The Legal and Political Status of Women in the United States

BY  
**JENNIE L. WILSON, LL.B.**  
Member of the Iowa and Michigan Bars



CEDAR RAPIDS, IOWA  
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guardianship, and of administration and disposal of property. She should know just how much the law "allows" her from her husband's estate. In addition, she should know what property she may sell herself, and that she has the power to do so and control it, and what the law will ~~allow~~ ~~not~~ ~~allow~~ after her death.

She should have an accurate understanding of all and every right which belongs to her and the fidelity her husband may have violated. She should also be cognizant of the fact that she will be the first to receive an inheritance from her husband's estate, and that she will be the last to receive it. She should also be aware that she will be the last to receive an inheritance from her husband's estate, and that she will be the last to receive it.

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**JAN 5 1935**

## PREFACE

This book has been prepared for the purpose of presenting to the women of all the states, in a brief and concise form, a digest of the most important of those laws pertaining to subjects which concern them most deeply, and about which there is a strong and increasing demand for accurate information.

Women in all of the states have awakened to the fact that they should have some voice in making laws, which as subjects they are bound to obey, and they also have a growing suspicion, if not a certain knowledge, which many have gained through bitter experience, that many of the laws now in existence relating to their sex are not in accord with the demands of justice, and many of which, if literally applied, might be the active and certain agents of great injustice.

They are therefore asking questions and otherwise seeking to gain correct information from many sources. It is for the purpose of answering these questions and supplying the desired information that this volume has been compiled.

Every woman should understand the law of her own state concerning marriage, divorce, the care and custody of children and the mutual rights and obligations of husband and wife incident to the marriage relation.

She should know something of the law of minors and

guardianship, and of administration and descent of property. She should know just how much the law "allows" her from her husband's estate after his death. She should know what property she may call her own, and just how far she may manage and control it, and what disposition will be made of it after her death.

She should have an intelligent understanding of all of these laws and many others, and as each state is only a part of one country — just one of the units composing the whole — for the sake of information and comparison, as well as for the purpose of understanding her own position in the eyes of the law, if she crosses the boundaries of her own state to become a resident of another, she should be equally well informed regarding the laws upon the same subjects in other states.

In the arrangement of this work a very brief synopsis of the common law is given, as the principles of the common law underlie all of the statute laws of most of the states, and a knowledge of the former is absolutely essential to render much of the latter intelligible.

A very careful examination of the latest codes and laws of each state has been made including acts of the different state legislatures, up to date of publication. Whenever possible, the statute law of each state has been given in the exact language of the statute. When this has not seemed practicable, the substance of the law is stated, freed from repetitions and legal terms, and in some instances the law as interpreted by supreme court decisions.

As far as possible the dates of early changes in laws relating to property rights, have been given for the purpose of showing how gradual the emancipation of

women has been. The dates of laws conferring political privileges are given for the same reason.

The abstract of the laws of each state is necessarily greatly condensed and no references are given, as the book is primarily intended for non-professional readers who are more interested in knowing the law, than in knowing where it may be found.

No criticisms or opinions concerning different laws have been expressed. The laws speak for themselves, and readers can form their own opinions. They will undoubtedly come to the conclusion that every state has some laws which should be repealed or superseded, and that there is a variance in state laws upon every subject, which is perplexing and wholly unnecessary. They must conclude that in all states there are just laws and unjust laws and that some of the worst are side by side with some of the best, and if the best were taken from all and a sort of composite code substituted, the result would approach perfection.

One of the objects in the preparation of this book has been that readers in each state may compare the laws of their own with those of other states, and may then work for the adoption into their own codes of that which is most desirable in others, and for uniformity of laws in all states upon the same subjects.

The design of the work is not sufficiently comprehensive to give to the most careful reader that knowledge of the *minutiae* of the law necessary in the application of its principles to particular cases and under a special state of facts.

It is in no wise adequate, even though its contents should be thoroughly mastered, to make every woman

## PREFACE

capable of being her own lawyer, in matters where she would otherwise require legal advice, but it is hoped that its statements are sufficiently plain and free from technical phraseology and legal terms, to enable even the most casual reader to readily comprehend them, and to gain a general understanding of the laws of the different states upon these subjects.

J. L. W.

November, 1912

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## CHAPTER I

### *Common Law*

The laws of England in force at the time of the independence of the American Colonies became the common law of this country, and prevailed in all the states, except those which were originally settled by the French and Spanish, and many of its provisions are still in force where they have not been superseded by statutory enactments.

**Marriage.** Marriage was regarded by the common law as a civil contract, and might be entered into legally by a boy of fourteen or a girl of twelve years of age, provided they were under no legal disability to contract marriage. This was called the age of consent or discretion. A marriage contracted prior to this time was inchoate only and might be disaffirmed by either party upon arriving at legal age. If one of the parties was above and the other under the required age, the marriage might still be disaffirmed by either. If after reaching the age of consent, the parties continued to live together as husband and wife this was regarded as an affirmation of the marriage.

The mutual consent of the parties themselves, followed by cohabitation, was sufficient to constitute a legal marriage without the observance of any formalities. The formal ceremonies provided by statute for the cel-

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ebration of marriages, and the penalties imposed upon clergymen and others who married those who had not complied with these formalities, were solely for the purpose of providing a convenient and conclusive proof of marriage, should it be afterwards necessary to establish that fact by evidence. These regulations would in no wise invalidate marriages which were otherwise legal.

By the rules of the common law both in theory and practice, the person and property of a wife were under the absolute control of her husband. A maxim of the law states that "A wife is not her own mistress, but is under the power of her husband," and this is a truthful expression of the actual legal status of a woman from the instant she entered the matrimonial state until released therefrom by death or divorce. Marriage was the act by which she ceased to have a legal existence — by which her very being became incorporated or merged into that of her husband. After this she was presumed by the law to be under the protection and influence of her husband — to be so absolutely and entirely one person with him that she had henceforth no life in law apart from his.

**Divorce.** Having established the marriage relation, it could only be dissolved by death or by divorce by act of parliament, or in this country after the declaration of independence, by act of the legislature. No absolute divorce could be granted for any cause arising after the marriage, but a separation might be decreed in case of adultery of either party.

**Property Rights.** The husband was entitled to the control, use and enjoyment together with the rents and

profits of his wife's real estate during the marriage, and if she owned leases of land they could be sold or assigned by the husband during marriage. If he survived his wife they belonged to him. If she survived him they belonged to her provided he had not disposed of them while living. All personal property belonging to her vested absolutely in the husband at marriage. It was his to deal with as he pleased. He could dispose of it while living, or will it to anyone he might select, and if he died without a will it descended to his heirs. Even the wife's wearing apparel and ornaments, known by the term "paraphernalia," belonged to the husband. During his life he had the power to sell or give them away, but he could not devise them by will. If they remained in the possession of the wife, while the husband lived, she was entitled to them over and above her dower, but even then creditors of the husband might claim them if there chanced to be a deficiency of other assets with which to pay debts of the estate.

A wife had no power to convey her real property nor could she devise her personal property by will without the consent of her husband.

The wife's choses in action, or evidences of debt or money or property due to her, such as notes, bonds, contracts or the like, belonged to the husband if he reduced them to possession during her life, and they could be taken for his debts. He might bequeath them by will, and if he died without a will they descended to his heirs. If he failed to reduce them to possession while the wife lived, after his death they would revert

to her heirs. If she outlived her husband they belonged to her.

When the wife died, her husband was entitled to a life interest in all of her real estate if a child had been born alive. This was known as the husband's title by courtesy.

Upon death of the husband the wife took one-third of his personal estate if there were children and one-half if there were no children and she was entitled to a dower, or life interest in one-third of his real property, whether there were children or not. This estate of dower was forfeited, should the husband be found guilty of treason, but his interest in her lands was not disturbed by treason of the wife.

His life interest attached to trust estates, but she could claim no interest in trust estates belonging to him.

The wife might release her right to dower in lands of her husband during his life but only when, examined separately, she acknowledged that the conveyance or release was not secured by his influence or coercion.

Her earnings though acquired by her individual labor and in a business separate and apart from her husband belonged to him and he could collect them by action. This was the law though husband and wife were living apart. Her earnings could be subjected to the payment of his debts by his creditors, and if he died without a will they descended to his heirs as other personal property. They were not considered the property of the wife even in equity, without a clear, express, irrevocable gift or some distinct affirmative act of the

husband, divesting himself of them and setting them apart for her separate use.

After the death of the husband the law gave the widow the right to remain forty days in his house during which time her dower might be assigned. This right was known as the widow's quarantine.

Personal property descended to males and females in equal shares but the eldest son was entitled to the whole of his father's real property.

**Guardianship.** The father was legally entitled to the custody of his children. The right of the mother was never recognized, it being expressly stated by Blackstone that "A mother, as such is entitled to no power, but only to reverence and respect." He might by will appoint a guardian for them after his death, though yet unborn, or might apprentice them or give them into the custody of others without consent of the mother.

**Miscellaneous.** The husband was the head of the family and had the legal right to establish his home or domicile in any part of the world where "his interests, his tastes, his convenience or possibly his caprice" might suggest, and it was the wife's duty to follow him. If she refused to accompany him, no matter upon what ground she based her refusal, she was guilty of desertion. A promise of the husband before marriage, as to the establishment of the place of residence of the family, created a moral obligation only and was a mere nullity in law. Whenever there was a difference of opinion between husband and wife in regard to the location of the common home, the will of the wife had to yield to that of the husband. This law of domicile was based upon "the identity of the husband and wife, and

the duty of the wife to make her home with her husband ”

The husband became responsible for the maintenance of his wife according to her rank and station, and if he failed to make suitable provision for her, tradesmen might furnish her with necessaries at her request and could collect payment of the husband.

He was liable for all of her debts contracted before marriage, and this was the case, though he may have received no property with her. He “adopted her and her circumstances together.”

The husband was entitled to the society and services of his wife, and he might bring an action for damages against any one who harbored her or persuaded or enticed her to leave him or live separate from him.

If injuries were wrongfully inflicted upon her, two actions might be brought against the party responsible for the wrong — one by husband and wife for the personal injury to the wife and one by the husband for loss of the wife’s services. In either case, the amount recovered belonged to the husband.

He became responsible for certain civil injuries committed by the wife after marriage, such as libel and slander, and judgment could be recovered against him. If a wrong was committed jointly by both, action might be brought against the husband alone. When judgment was recovered upon contract or because of the wrongful act of the wife, if the husband failed to pay it, he might be imprisoned.

The husband might exercise his power over the person of his wife by restraining her of her liberty in case of gross misbehavior, or by giving her moderate chas-

tisement in the same degree that he might administer correction to his children. An early decision of one of our state courts interpreted this to mean that a man might whip his wife with a switch as large as his finger but not larger than his thumb, without being guilty of an assault.

Husband and wife being one person could not legally contract nor enter into a business partnership with each other; neither could one convey property to the other without the intervention of a third party as trustee.

The wife was incapable of receiving a legacy unless it was willed to another person as trustee, for her use and benefit, and if a legacy were paid directly to her, the husband could compel the executor to pay it again to him.

The wife had no power to contract a legal debt nor to bind herself by any kind of an agreement, neither could she make her husband liable for any debt or contract, except for necessaries. These the husband was under obligation to provide and in contracting for them, the law assumed that the wife was acting as his agent.

A wife could neither sue nor be sued unless her husband was joined with her in the suit. A judgment against her was void because she was unknown to the law apart from her husband. One entered in her favor became the property of her husband.

Neither husband nor wife was competent as a witness to testify either for or against the other in civil or criminal cases.

The legal fiction of the unity of the persons of hus-

band and wife dates back to feudal times and may perhaps have been a necessity of that age and of the crude and peculiar social and political systems of that period. Like many a later law, having its inception in a sincere desire to secure the greatest good to the greatest number, and believed to be necessary for that purpose in conformity to the intellectual, social, and political development of the people at the time of its enactment, these rules of the common law, most of which at the present time are considered intolerable to thinking people, existed long after they ceased to result in any benefit or afford any protection and after the reason for their being had passed away and been forgotten.

It is, however, the foundation upon which the great body of our statute law is built. The harshness of its rules relating to married women, the rights and privileges which it withheld from them and the wrongs which it imposed, may be more clearly realized by following the legislation of the different states from time to time. As it became apparent that the common law failed to satisfy the demand for justice, as when for instance some husband and father lived up to his privileges under the law, and by claiming all it gave him, revealed its cruelty and injustice toward the wife and mother, then public sentiment, that universal and only law maker, demanded another code, and from time to time the strictness of its rules have been relaxed by giving to them a broader interpretation more in harmony with advancing civilization, or where such interpretation has been impossible they have been modified or entirely changed by statute. Where the stat-

ute law of a state is silent upon any subject the common law still governs that subject, and in a few states it remains unchanged in regard to several subjects relating to the disabilities of married women. In all, there are traces of its most objectionable features still remaining.

## CHAPTER II

### *Marriage*

**Definition.** The definition of marriage given in the statutes of the different states varies but little. All law makers have agreed that it is a contract, its legality depending as in other contracts upon the consent and competency of the parties, but it is something more than a contract. It is a status or relation assumed by the act of marriage. Society is recognized as a third party to the agreement and as having a well defined interest in the duties and obligation of such relation. It is because of this interest that the law defines the necessary qualifications of the parties, the terms, rights and obligations of the contract, and also for what causes and in what manner it may be terminated. "It stands alone and can be assimilated to no other contract."

**Age.** The age at which the parties may legally consent to marry has been raised by statute in most of the states. In a few the age is the same as at common law and a boy of fourteen or a girl of twelve years of age can legally enter into the most important relation of life. There is however generally a provision that women under eighteen and men under twenty-one, or if either has not attained majority, that one must have the consent of parent or guardian.

**Prohibited Marriages.** Marriages between parties within certain designated degrees of consanguinity or affinity nearer than first cousins are prohibited in all the states and later legislation in several have made the marriage of first cousins illegal. In the Southern and some of the Western states marriages between white persons and Negroes, Mongolians, Japanese or Indians are prohibited. Other disabilities are a prior marriage still in force, insanity or idiocy, physical incapacity and non-age.

**Form** As under the common law, in most states no express form or ceremony is necessary to constitute a valid marriage. A mutual agreement between the parties to assume the relation of husband and wife followed by cohabitation is sufficient, provided there is no legal disability on the part of either existing at the time. It is immaterial how the intention to marry is expressed. It has been held that a marriage was legal where the woman intended present marriage though the man did not, where they had assumed the relation of husband and wife and his conduct had been such as to lead her to believe that he intended present marriage.

**Common Law Marriages** The laws of most states uphold these marriages founded upon consent and performance without formal solemnization and known as "common law marriages," but in a few states they are not recognized and in Illinois they are declared to be absolutely null and void unless the parties shall afterward comply with the requirements of the law.

**Custom.** Marriages performed according to the customs of any church or religious society though not according to the forms prescribed by statute are valid,

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and usually those performed according to tribal custom among the Indians are valid. One state prescribes that a marriage between an Indian and a white person living within the state must be solemnized as required by state laws. Another state declares marriages according to Indian custom among Indians to be valid but requires marriages after date of later law if performed within the state to be according to the forms of the statute. It is the general rule that if a marriage is valid where performed it is valid everywhere.

**Who May Solemnize** The law designates who may solemnize marriage. Ministers of all denominations, judges of courts of record, mayors and justices of the peace are usually clothed with this authority. It is also required that there shall be witnesses to the ceremony.

**License** In most states a necessary preliminary to marriage is the procurement of a license. In some the parties must declare their intention to marry, a certain specified number of days before the ceremony, and in others banns must be published in some public place of worship at least twice, if a license is not procured. The omission of either of these preliminaries does not render the marriage void but merely subjects the person performing the ceremony to the penalties prescribed by law, all of these requirements being for the purpose of providing a proof of marriage in the future, should that ever be necessary. It is the duty of the person authorized to issue a marriage license, to be certain that the parties are of legal age, also that they are under no other disability which might disqualify them from making any other civil contract. Unless he

has personal knowledge of these facts, he must take the testimony of competent and disinterested parties.

**Proof.** Licenses must be returned after the ceremony, signed by the party officiating, and an official record is kept which is always sufficient proof of marriage in the absence of evidence to the contrary, but record proof is not always indispensable. The fact of marriage may be shown in various other ways. It may be proved by the admissions or uncontradicted testimony of either party, or a legal presumption may be raised by the testimony of either husband or wife and proof of continued cohabitation. The evidence of witnesses who were present and witnessed the ceremony is always sufficient.

**Void Marriages** A marriage obtained by force or fraud is void because it lacks the essential element of consent. Such marriages may be annulled by a court of equity, but false representations as to character, social position or fortune do not constitute such fraud on the opposite party as to avoid a marriage induced thereby. Generally a judicial decree is not necessary to annul a marriage between parties one of whom has a wife or husband living, nor does such marriage confer upon either any right to the property of the other.

**Affirmance.** Marriages which are invalid because of non-age of either or both parties, or because a former husband or wife is living, or because of mental incapacity may be affirmed and become valid by the continuance of the marriage relation after the disability is removed.

## CHAPTER III

### *Divorce*

**Definition.** Divorce is the legal dissolution of a lawful marriage. Formerly the term was applied to all separations of husband and wife, whether complete or partial, but at the present time it means only those separations which are absolute, where rights of property are adjudicated, the care and custody of children, if there are any, awarded to one or the other of the parties, and the wife restored to her maiden name if this is requested.

**Legal Separation** In cases where facts do not justify an absolute divorce, but where the best interests and possibly the personal happiness of the complaining party, or of both, make a separation necessary, the courts will decree that husband and wife shall live apart without actual severance of the marriage.

In such case the property rights of each in the property of the other are not disturbed, though the husband may be required to pay a designated amount to the wife for the support of herself and children, if there are any.

**Decree of Nullity** The judicial annulment of a marriage which for any cause was unlawful or void from the beginning is termed a decree of nullity.

Statutes of some states provide that such marriages are null and void without any legal proceedings.

**Roman Law.** Under ancient Roman law, divorce was always permitted, when the parties no longer wished to preserve the tie of marriage, which was regarded as a simple contract depending upon consent.

Unless both parties agreed to the separation, heavy penalties were attached when one insisted upon it in opposition to the desire of the other.

**Who May Grant.** Under the common law in England no divorce could be granted except by act of parliament and after the independence of the American Colonies none could be obtained in this country except by act of the legislature. Previous to statutory enactments upon the subject, legislative divorces were common. State legislatures now have no power to grant divorces, provisions of later constitutions or legislative enactments having given state courts all authority upon the subject.

**State Laws.** The laws of the different states vary so greatly upon the causes which justify divorce that it is difficult to give a clear general statement of the law which will at the same time be correct. There is also great variance concerning the acts which constitute some of the enumerated causes, and as to time of residence of the complainant necessary to give the courts of the state jurisdiction. However, the laws of each state are supreme within its own territory, and can readily be examined.

**Residence.** In all the states, the party applying for a divorce must have been a resident of the state when application is made, a certain specified time of suffi-

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cient length to indicate an intention of continued residence and citizenship. The general rule is that the domicile of the husband is the domicile of the wife, but in proceedings for divorce the court recognizes that husband and wife may have separate domiciles and a divorce may be granted where the parties reside in different states, but in such case the court granting the decree has no authority to make a decree as to the custody of children, if they are non-residents of the state where the decree is rendered.

**Jurisdiction.** In some states in order to give the court jurisdiction, the law requires that the marriage must have occurred in that state or that the offense complained of was committed there. A divorce granted by a court not having competent jurisdiction is absolutely void. A decree of divorce can always be set aside for fraud in obtaining it.

**Causes.** The only causes for absolute divorce are contained in statutes of the different states. There are numerous causes, chief among these and sufficient in all the states, except New York and South Carolina, are adultery, desertion, drunkenness, cruelty and conviction of felony with imprisonment for same. In the state of New York an absolute divorce will be granted only for adultery. The state constitution prohibits the granting of divorces in South Carolina and no divorce has ever been obtained in that state. Except in two states a divorce will not be granted for any cause not expressly enumerated in the statute of the state where application is made, even though it may be plainly shown that a party has wholly disregarded or violated his marriage vows and obligations in other ways.

Formerly the laws of some of the states provided that where it was fully apparent to the court that the parties could not live together in peace and happiness and that their welfare required a separation, a decree might be granted. Under later laws, courts have no such discretionary power as to either absolute or limited divorce, except in the state of Rhode Island, where, after enumerating the different causes for divorce, the law provides that "a limited divorce may be given for such *other causes* as may appear to the court to require the same," and in the state of Washington, where if application is made for any other cause than those named, it is within the discretion of the court to grant divorce "if he deems the cause sufficient and is satisfied that the parties can no longer live together."

**Defenses.** Divorce cannot be obtained by mutual agreement or collusion between the parties, nor by default of the accused party, and if it can be proved that the parties have agreed to the separation, or that the defendant has been deliberately guilty of any of the offenses constituting cause for a divorce with the intention of, or for the purpose of furnishing cause for separation, or if the complainant connives at the violation of the marriage vows or contract, no divorce will be granted.

Neither will a divorce be granted upon the unsupported evidence of the injured party or confessions of the defendant. If a wrong is condoned or forgiven, it cannot after such condonation be made the ground for a divorce. If the party seeking the divorce has been guilty of a similar offense to that charged, it is a defense and no divorce will be granted.

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**Prohibition to Marry.** In some states courts have power to decree that the guilty party shall not marry again during the life of the innocent party, or that neither party shall marry within a certain limited time after the decree is rendered. In the absence of statutes prohibiting marriage the courts have no authority to prohibit either party from marrying again. Where the law permits the court to prohibit marriage for a limited time, a penalty is provided for disregarding such order and the marriage is void.

**Interest of State.** Some states require the county attorney to appear for an absent and unrepresented defendant, and one state, Wisconsin, recognizes the interest of the public in the marriage contract, by requiring a "divorce attorney" to be appointed in each county whose duty shall be to present the facts and inform the court concerning the interest of the public and how it will be affected by the proposed dissolution of the contract.

**Alimony.** In proceedings for divorce the court may order the husband to pay the wife a sum sufficient for her support pending the proceedings. This is known as temporary alimony. In some states, if the wife is too poor to prosecute her suit, she is permitted to do so without cost. When the suit is determined permanent alimony may be awarded and in some cases alimony may be granted the husband out of the estate of the wife. The amount of alimony awarded is entirely within the discretion of the court, and may be ordered paid in one sum or in installments at stated intervals.

The court will take into consideration the social status of the parties, the amount of the husband's

property or income, and the financial circumstances of the wife in making the award. If the wife has property or an income sufficient to support her as she has been accustomed to live, or if her husband's income is less than her own, she will not be given alimony. In ordinary circumstances it is customary to award the wife a sum equal to what her dower or equitable share of her husband's property would amount to.

**Minor Children.** When a divorce is granted, the disposition of minor children is entirely within the discretion of the court and the custody may be given to either party, or may be taken from both and given to a guardian, if neither parent is a proper person to care for them. The best interest and welfare of the child is the first and most important consideration in determining to whom the custody shall be given. Usually the younger children are given to the mother if she is a proper person. The age and sex as well as the wishes of the older children may be considered. When both parents are unobjectionable, it is a common practice to award the custody of the children to each parent for part of each year.

**Property Rights.** The effect of a divorce is to terminate all property rights between the parties except such as are awarded by the decree, or such as have become absolutely vested. If property has been given to either by ante-nuptial contract it is retained after the divorce and also all property that has been conveyed by either to the other during the marriage. Upon the death of either the survivor takes nothing from the estate, all inchoate rights such as dower and courtesy having been destroyed by the decree.

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**Modification.** The court granting the divorce retains jurisdiction, and the decree, including that concerning custody of children, may be reopened at any time, and reconsidered, amended, changed or modified if the good of those concerned should require it.

## CHAPTER IV

### *Property Rights*

**Separate Property.** In most of the states at the present time, the property of every kind owned by either husband or wife at time of marriage, or acquired during the marriage by gift, devise, bequest, inheritance or purchase, constitutes the separate estate of such husband or wife, and is not liable for the debts of the other, but it is liable for the debts of the one who owns the property whether they were incurred before or after marriage

**Wife's Earnings.** By statute in nearly all of the states the wife's earnings by her individual labor or profits from separate business in which she may be engaged, carried on outside of the home, belong to her and are part of her separate estate. In a few states her earnings have been secured to her only when she is living separate and apart from her husband, unless he has by some express agreement given them to her. When her earnings are her separate property, they are exempt from liability for the debts of the husband

**Conveyance of Real Property.** Generally it is necessary for husband and wife to join in a conveyance of real property by either, but where the estates of dower and curtesy have been abolished and no similar estates have been created in their stead, husband and wife are

not required to join in conveyances except in that transferring the homestead. When dower and courtesy have been abolished and no distributive share of the estate substituted, a wife may will her entire estate, both real and personal, without consent of her husband.

**Expenses of Family.** While in general the husband is responsible for the expenses of the family and his estate is liable for the same, if he has not the means to provide suitably, or neglects to do so, the wife becomes responsible and her property may be held for all necessities furnished the family.

**Wearing Apparel.** The wife's wearing apparel, jewelry, personal ornaments and the like, which she had at time of marriage, or has acquired from her husband since the marriage, formerly designated by the term "paraphernalia," have in some states been secured to her by statute.

In all other states, the common law still holds good, and they belong to the husband, unless the wife can furnish proof that they were purchased by her separate funds, or were the gift of the husband to her. They are liable for the debts of the husband during his life and may be included with other assets of his estate after death and subjected to the claims of creditors. Where the question of ownership has come before the courts for determination, the tendency has been to follow the rule of the common law. It has been held that while it is the duty of the husband to furnish his wife with suitable clothing, it was not intended to deprive him of power to control it, and no matter how the wife acquired the articles, the possession of the wife is the possession of the husband. That except in cases where

the wife purchases clothing and ornaments with her own separate money, the rule of the common law is not changed, and that all such articles purchased with the husband's money or on his credit, though intended for her personal use, are still his property, unless they have been secured to her after her husband's death, under the law which provides an "allowance" for the widow, or that which secures to the widow the "wearing apparel of the family" with other personal property exempt to her husband as head of the family.

**Household Furniture.** The husband is also presumed to be in possession and control of all household furniture, pictures, books, and similar property used in the house occupied by both, and unless it can be shown that these articles were purchased with the wife's money, he may sell or mortgage them without her consent, in the absence of statutory enactments to the contrary.

**Dower.** Dower is the right or estate which a wife may have in the real property of her husband and consists of a life estate in one-third of all real property. In some states this right attaches only to lands owned by the husband at time of death. In others it attaches to all which he has owned during the marriage to which the wife has not relinquished her right, or which may not be barred in some other way. It was and is at the present time an inchoate right, becoming complete only after the husband's death, and incapable of enforcement during his life.

Formerly the husband could sell his lands, even though his wife might be left with nothing, and she could not claim dower until after his death. When

he died she would have an immediate right of action, and before dower was assigned might demand dower in all lands which her husband had conveyed, and could institute proceedings to recover the same.

This right caused much inconvenience. The prospective purchaser naturally hesitated when he contemplated becoming the owner of property which might be claimed later by the widow of the grantor, so that in England in August, 1833, the "Dower Act" was passed, giving the husband authority to dispose of all real property by will or otherwise free from claims of dower by the wife. If dower was not barred by deed or will during the life of the husband, she was entitled to dower in all property owned by him at the time of his death.

There is some variance as to just what property is subject to dower. It attaches to both land and growing crops, but in some states there is no dower in uncultivated land. It attaches to mines and quarries, though generally not to unopened mines, unless expressly provided. Michigan allows dower in unopened mines.

Unless abolished, modified or changed by statutory enactment, the estates of dower and courtesy still exist in this country, as under the common law. Dower has been entirely abolished in some states, and has been superseded by provisions which secure to the widow an absolute estate or ownership in fee, in the real property of her husband. In those states where it has not been changed by statute, dower attaches to all real estate owned by the husband during the marriage, whether conveyed by him during life or not. In others it attaches only to lands owned by the husband at the

time of his death. In all cases, whether the law provides for a fixed interest or for dower in all or in only part of the husband's property, he cannot by any act during life, or by will, divest the wife of the interest without her consent.

**How Barred.** The right of dower or its equivalent may be barred by the wife herself, by joining in a conveyance in which she expressly releases her right of dower, and it may also be barred by an agreement before marriage for a good and valuable consideration, but the contemplated marriage is not alone a sufficient consideration.

**How Assigned.** After the husband's death, dower must be assigned in kind, if property can be divided. When this cannot be done, property will be sold and the widow's share assigned out of the proceeds. The law of the place where the real property is situated governs the assignment of dower. In some states where the wife's separate estate is equal or greater than her dower interest or distributive share of her husband's property, she is not entitled to dower. If she has separate property less in value than the dower interest, only so much of the husband's property will be allowed as will, together with her separate property, equal her dower. Dower may include the homestead or it may be part of the homestead and in either case it may carry with it the exemption attaching under the law to the homestead.

**Courtesy.** Courtesy is the estate which the husband may have in real property owned by the wife, corresponding to the right of dower. It is a life estate and formerly always depended upon the birth of a living

child. The estate of courtesy was and is a life interest in all of the wife's real property, after her death.

It has been entirely abolished in a few states and no corresponding estate created in its stead. In some, the distributive share in the estate of the wife is similar and equal to that allowed the wife in property of the husband. In most states where courtesy still prevails, it no longer depends upon the birth of issue. In others the common law still exists.

**Provision by Will.** If either husband or wife makes provision for the other by will, the survivor is always free to reject the provision of the will and take the portion of the estate allowed by law. By law of most states provision by will will be deemed to be in lieu of dower. In others, unless otherwise expressed in the will, it is interpreted to be in addition to dower.

**Homestead.** In those states having a homestead law the surviving husband or wife and minor children, may occupy the homestead during life or until the youngest child has attained majority. In other states the law expressly provides the length of time a widow may occupy the common dwelling house, after the death of her husband, without paying rent. Under the common law she might occupy the homestead forty days. This right of occupancy still exists, and varies in different states. In most, the time allowed is until dower is assigned, and in others a certain definite time is fixed. In one state two months is allowed, but in no case is actual occupancy necessary. She may rent the homestead if she prefers to live elsewhere, and the rent collected is exempt.

## CHAPTER V

### *The Community System*

In the states which grew out of the territory originally settled or claimed by the French or Spanish, the law of property differs from that of other states. What is known as the community system prevails. This has been adopted also by a few other states and at the present time is the law in Arizona, California, Idaho, Louisiana, Nevada, New Mexico, and Washington.

**Separate Property.** Under this system husband and wife hold all property owned by either at time of marriage or acquired afterward by gift, devise, bequest or inheritance as the separate estate of each.

**Community Property.** All property which may be acquired in any other way after marriage, by either or both, is community property in which both have an equal interest. The earnings of both are generally included in the community property except where it has been provided by statute that the wages or earnings of the wife shall belong to her and her estate. If husband and wife are living separate, or if a husband has abandoned the wife, the earnings of herself and minor children will not become part of the community property but will belong to the wife. In some of these states all rents, income or profits from the separate estates of both as well as any damages recovered for

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injuries to either husband or wife are community property. Property purchased by either, though standing in the name of the purchaser, is community property, unless it was purchased with separate funds of either and if the ownership is questioned, the burden is upon the purchaser to prove that it is not community property.

The husband has absolute control of all community property during the marriage. The legal title to all of it may be and generally is vested in him and he may make any kind of contract with reference to it and will be personally bound by all such contracts. He may dispose of community personal property with or without the wife's consent. In three states he may even convey the community real estate without consent or signature of the wife, although it seems that he may not give it away nor convey it without a valid consideration unless the wife consents in writing. In the other community states husband and wife must join in all mortgages or conveyances of community real property. In all states where the community system prevails there are restrictions on the husband's power to convey the property acquired after marriage with intent to defraud or injure the wife. Neither can dispose of more than one-half the community property by will and the wife must have the consent of her husband to dispose of her half of the community property in this way.

Community property is liable only for community debts in some states. In others all debts of both husband and wife or of either, incurred before or after marriage are a lien on community property.

**Descent of Property.** In states having the community system there is neither courtesy nor dower. If either husband or wife dies without a will separate property descends as provided by statute and in all cases the survivor is entitled to one-half of all community property, which cannot be disposed of by will of either. If there is no will and no child or children the survivor is entitled to all the community property in all but one state. In this the wife takes one-half, the other half going to the husband's heirs. In this state the husband is entitled to all the community property without administration upon death of the wife. The survivor or heirs who take community property take it charged with all community debts and all legal claims which might have been enforced against it before death of the owner, including separate debts, where these have been made a lien on community property.

## CHAPTER VI

### *Guardianship*

The laws of the different states relating to the guardianship of children vary greatly.

**Father is Guardian.** In six states the common law still prevails, which gives the father not only absolute power during his life over the person and property of minor children, but also gives him authority to take the child away from the mother and give the guardianship to another after his death, by deed or will. He has the power to do this even though the child may yet be unborn.

**Mother is Guardian.** Twenty-seven states make the father the guardian during his life and after his death the mother becomes the guardian. Several of these states give the guardianship of the child to the mother only so long as she remains unmarried.

**Equal Guardianship.** Fifteen states and the District of Columbia make the parents joint guardians with equal powers, rights and duties during the lives of both, and the sole guardianship devolves on the survivor, who may by will appoint a guardian of both person and property of the minor. In one state, Pennsylvania, the mother is given equal power, control and authority only if she contributes by the fruits of her

own labor or otherwise towards the support, maintenance and education of their minor child.

**If Living Separate.** When parents are living separate by agreement or by legal decree, or in proceedings for divorce, the court has power to award custody of children to either parent as may appear to him to be for the best interest of the children. When both parents are equally suitable, the tendency has been to give the guardianship of young children to the mother and older children to the father.

## CHAPTER VII

### *Miscellaneous*

**Head of Family.** As under the common law, the husband is the legal head of the family in all the states. Under certain circumstances the wife may become the head of the family, as where the husband has abandoned her, or if he should be absent from home for a long period of time, or if for any reason she should be compelled to assume the responsibility and burden of the support of the family. The husband has the right to establish his home at any place he pleases and if it is comfortable and suitable to his station, it is the duty of the wife to live in this home wherever it may be established, and if she refuses to do so she is guilty of desertion.

**Support.** It is the duty of the husband to support his wife and provide for her according to his means. He must provide the necessaries and common comforts of life and if he does not do this, he is liable to any third party who furnishes them to her.

**Necessaries.** The term necessaries is not confined to the supply of things actually demanded for her sustenance but includes all that may be needful for her comfort and happiness according to her rank and station in society. In determining the extent of the husband's liability, it is customary to consider the wife's

social position and the circumstances and condition of the family and these may vary in each particular case. It has been held that jewelry is included in the term "necessaries" and that an attorney's fee in divorce proceedings by the wife can be recovered from the husband. If the wife is compelled to leave her husband because of cruel and improper conduct on his part, the law presumes that he has extended to her a general credit for necessities, such as meat, drink, clothes, medicine, and other articles suitable to his degree and circumstances.

**Non-Support.** In many states non-support is a misdemeanor punishable by fine and imprisonment and recent enactments in a few states provide that the fine when collected, either in full or in part, shall be paid to the wife for the support of the family, and if imprisonment is the penalty imposed, the offender must be employed on public work and for each day of such labor, a certain designated sum shall be paid to the wife.

**Wife's Duty.** It is also expressly provided in a few states that if the husband has no property and is unable because of infirmity to support himself, it is the duty of the wife to support him. Generally, when the wife is authorized to engage in a separate business, she is liable equally with her husband for the support of the family.

**Chastisement.** The husband's right to restrain a wife of her liberty or to administer moderate chastisement is no longer recognized, although only recently in the state of Pennsylvania a lower court decided that when a husband chastised his wife because she accused

him of certain offenses of which he was not guilty, such chastisement was in the nature of correction and he was not guilty of an assault. Women generally have no right of recovery for personal injuries inflicted upon them by their husbands. In the District of Columbia a recent decision by the Supreme Court of the United States held that a woman cannot bring an action to recover damages for assault and battery upon her by her husband. In Iowa neither husband nor wife has a right of action against the other for personal injury. Unless the right of recovery has been conferred by statute no wife can recover damages from her husband for personal injuries.

Either husband or wife may be criminally prosecuted for assault upon the other, and as late as the year 1901, Delaware revived and established the whipping post for the punishment of wife beaters, and in Oregon and Nevada an equally humiliating punishment has been provided in addition to the customary fine and imprisonment.

**Civil Injuries.** A husband is no longer responsible for civil injuries committed by his wife. The presumption that wrongful acts done in the presence of the husband were by compulsion, is still recognized in a few states, but may be overcome by proof to the contrary.

**Power to Contract.** Generally the disability to contract has been removed from married women and contracts may be made by the wife and liabilities incurred and the same be enforced by or against her the same as if she were unmarried. "Where she is clothed with the same rights as those enjoyed by her husband, she

must assume the same liabilities. Where she has been given the same freedom to contract with reference to her property or other matters, she will be held to the same strict accountability. The law will enforce her obligations with the same impartiality whether such obligations are express or implied."

Statutory enactments in most states give a married woman power to contract with reference to all kinds of property, including her real estate, and in some, she may mortgage her property as security for the debt of another in precisely the same manner as her husband could do in similar cases

**Witnesses.** Generally husband and wife are competent witnesses, in all civil or criminal actions brought by one against the other and in some states may be witnesses in any action in which the other is concerned

**Executrix or Administratrix.** In some states married women are prohibited by statute from acting as executrix, administratrix, guardian or trustee. In others they are expressly authorized to act in any or all of those positions, with or without the husband's consent

## CHAPTER VIII

### *Citizenship and Naturalization*

By Act of Congress in 1790 white persons only could be admitted to citizenship. July 14, 1870, this was amended to include aliens of African nativity and persons of African descent. A law of 1906 requires that the applicant shall be able to write his name and speak the English language, except in case of those who make homestead entries.

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**Who are Citizens.** All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

Aliens or citizens of other countries, who have been residents of the United States for five years who may be naturalized by any court of record.

The children of persons naturalized who are residents of the United States, who are under the age of twenty-one at the time of naturalization of the parents.

Foreign born children of American citizens.

**Women Citizens.** Any white woman or of African nativity or descent, or any Indian woman, not a native of the five tribes in Indian Territory, married to a citi-

zen of the United States, is a citizen thereof. (Act of Congress August 9, 1888.)

**Married Women.** The citizenship of a married woman follows that of her husband. An alien woman, whose husband becomes a naturalized citizen of the United States, becomes a citizen without naturalization.

Frederick Van Dyne, author of "Citizenship of the United States," expresses the opinion that a married woman cannot secure naturalization as an individual. He says: "Indeed it seems questionable whether, in view of the almost universal doctrine, that the citizenship of a woman during marriage is merged in that of her husband, she can, while the marriage lasts, independently secure naturalization."

**Not Citizens.** A woman married to a citizen of the United States, who could not become a naturalized citizen if she were not married, will not secure citizenship by her marriage. So held in the case of a Chinese woman married to an American citizen.

**Foreign Women.** Any foreign woman who acquires American citizenship by marriage to an American retains the same after termination of the marriage, if she continues to reside in the United States, unless she formally renounces such citizenship before a court having jurisdiction to naturalize aliens, or, if she resides abroad she may retain her citizenship by registering as such before a United States consul within one year after the termination of the marital relations. (Act of March 2, 1907.)

**American Women.** An American woman who marries a foreigner shall take the nationality of her hus-

band. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering with a consul of the United States, or by returning to reside in the United States, or if residing in the United States at the termination of the marital relation, by continuing to reside therein.

**Children Born Elsewhere.** Section 1993 of the Revised Statutes of the United States provides that all children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be, at the time of their birth, citizens thereof, are declared to be citizens of the United States, but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

**How Citizenship is Retained.** By Act of Congress March 2, 1907, all children born outside of the limits of the United States who are citizens, in accordance with the provisions of Section 1993 of the Revised Statutes of the United States, and who continue to reside outside of the United States, shall, in order to receive the protection of this government, be required, upon reaching the age of eighteen years, to record, at an American consulate, their intention to become residents and remain citizens of the United States, and shall be further required to take the oath of allegiance to the United States upon attaining their majority.

**Children of Foreign Parents.** Children born of foreign parents residing in the United States, though the parents are not citizens, are citizens of the United States. And this is so even if such parents cannot lawfully become naturalized citizens. So held in case

of a Chinese child born in this country of Chinese parents.

**Naturalization — Intention.** Aliens may declare their intention to become citizens of the United States at least two years before final admission. The preliminary declaration may be made before the clerk of any court having jurisdiction to naturalize aliens. The declarant must be at least eighteen years of age.

**Widow and Children.** The widow and children of an alien who has made his preliminary declaration and died before he was actually naturalized, are declared to be citizens upon taking the oaths prescribed by law. (Rev Stat U. S., Sec. 2168.)

**Application.** Application for citizenship must be made not more than seven years after declaration of intention, and the final hearing at least ninety days after filing notice of such application.

No certificate of naturalization shall be issued by any court within thirty days preceding the holding of any general election.

**Oath Required.** At the time of his application to be admitted, the applicant shall declare under oath, before some specified court:

That he will support the Constitution of the United States.

That he renounces and abjures all allegiance and fidelity to any foreign prince, and particularly the prince or potentate of whom he was subject.

That he has resided in the United States at least five years, and within the state or territory one year at least.

That during that time he has behaved as a man of good moral character.

That he is attached to the principles of the Constitution of the United States and well disposed to the same.

**Must Renounce Title of Nobility.** The applicant for citizenship must expressly renounce any hereditary title or order of nobility, which he may have borne in the country from which he came.

**Expatriation.** An American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity to its laws or when he has taken an oath of allegiance to any foreign state.

**Of Naturalized Citizens.** When any naturalized citizen shall have resided for two years in the foreign state from which he came, or for five years in any other foreign state, it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said years, *Provided*, however, that such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States under such rules and regulations as the Department of State may prescribe.

**In Time of War.** No American citizen shall be allowed to expatriate himself when this country is at war.

## DIGEST OF STATE LAWS ALABAMA

**Marriage.** The legal age for marriage is seventeen for men and fourteen for women, but if the man is under twenty-one or the woman under eighteen consent of parent or guardian is necessary. The parties are required to execute a bond payable to the state, which is void if there is no lawful cause why the marriage should not be celebrated. If a judge of probate issues a marriage license for the marriage of a minor, he forfeits two hundred dollars to the parent or guardian for the use of the ward, and suit may be brought by guardian or parent for this amount.

Marriages between white persons and negroes to the third generation inclusive, though one ancestor of each generation was a white person, are prohibited, and the penalty for violation of this law is imprisonment in the penitentiary for not less than two or more than seven years. Any judge who issues a license for such marriage and any person authorized to solemnize marriage, who performs the ceremony knowing the parties are within the provisions of this law, are subject to heavy fine or imprisonment, or both.

Any one who by menace, force or fraud, compels any woman against her will to marry him or any other person, or intends to so compel her, is subject to imprisonment in the penitentiary for five years.

**Divorce.** Either absolute or limited divorce may be granted for any of the following causes: adultery; impotency; abandonment for two years; imprisonment in the penitentiary for two years, when sentence is for seven years or more, crime against nature; drunkenness; in favor of the husband for pregnancy of the wife before marriage without his knowledge or agency; in favor of the wife, for cruelty of the husband, when he has committed actual violence on her person with danger to life and health, or when his conduct is such as to give reasonable apprehension of such violence; also when the husband has become addicted after marriage to the use of opium, morphine, cocaine or other drug.

The applicant must have been a resident of the state one year next preceding the bringing of the action. If the charge is abandonment three years' residence is necessary. The cause for divorce may have occurred without the state. A decree of divorce bars dower and any share in the property of the other, except such allowance as may be granted by the court. If a wife's separate estate is sufficient for her maintenance, she will not be given any allowance out of the property of the husband.

Custody of minor children may be given to either parent, as the court may deem best for the child. The parties cannot marry for sixty days after date of the decree.

**Property Rights.** Married women were given power to will property in 1843. February, 1887, they were granted control of their earnings or wages. In 1895 they were granted partial control of their own property, complete control with power of conveyance being

given only when the wife is living separate from her husband through no fault of her own, or if he is mentally unsound, or has been imprisoned for more than two years

All property owned by a woman at time of marriage, and all which she may acquire afterwards, by gift, devise, or inheritance, or by her own labor (other than that rendered to or for her husband and family) is her separate property. She may contract and may sue and be sued alone with reference to it, and for all injuries to person or property as if unmarried, but her husband must join in all conveyances of real estate. Her separate property is liable for her separate debts whether contracted before or after marriage, and for all obligations incurred for necessaries for family use.

She may engage in a separate business or enter into trade relations, but only with her husband's written consent, unless he has deserted her, or is insane or non-resident, and her separate property is liable for all obligations contracted in relation to her separate business.

Dower and curtesy both prevail. A widow is entitled to a life interest in one-third of all lands of the husband, owned by him at any time during the marriage, unless dower has been barred or relinquished. If she has a separate estate equal to her dower interest she takes nothing. If the separate estate is less than the dower interest, she is entitled to such portion of his estate as will, with her separate property, equal the amount to which she would be entitled, if she had no separate estate. Proceeds of any life insurance payable to the widow must be counted as part of her sepa-

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rate estate. A sale under a judgment against the husband does not discharge a wife's dower in this state, nor is it forfeited by her subsequent marriage.

If there are no children or only one child, the wife is entitled to one-half of her husband's personal estate. If there are more than one and not more than four children, she shares equally with the children, and if there are more than four children, she takes one-fifth of the personal estate.

Upon death of the wife the husband is entitled to a life interest in all of her real property, and one-half of all personal property, absolutely.

If there are no children and no kindred to inherit, the survivor is entitled to the whole estate both real and personal.

A homestead not to exceed two thousand dollars in value is exempt to the widow and minor children, or either, until death of the widow or majority of the youngest child. Such homestead may be retained by the widow and minor child or children until it is ascertained whether the estate is solvent or insolvent, and if the estate is insolvent it shall vest in them absolutely, and shall not be sold or partitioned until the death of the widow and the youngest child is of age, except by order of the court with the consent of the widow in writing. If there is no homestead, the widow and children are entitled to homestead out of the other real estate, and if there is no other real estate suitable the property may be sold and two thousand dollars invested in a homestead, which if the estate is insolvent, shall vest absolutely in the widow and minor children. "In no case and under no circumstances shall the widow

and minor children or either of them be deprived of homestead or two thousand dollars in lieu thereof, if application is made before final distribution of the estate."

The homestead may be assigned as part of dower, if the estate is solvent, and if the widow rents it, it will not be an abandonment of right to dower.

The widow is also entitled to the wearing apparel of deceased and that belonging to minor children. Also all books, family pictures and portraits, all stores or groceries necessary for support of family for twelve months, and all household furniture necessary for the use and comfort of the family, with other personal property not to exceed one thousand dollars in value.

If the estate is solvent this allowance is afterwards to be credited on the distributive share of the widow and children.

If a woman dies, leaving a minor child or children, they are entitled to the same exemptions as in case of the death of the husband and father.

**Guardianship.** Preference is given to the father. He may appoint a guardian by will, but the mother is entitled to the custody of the child, until he is fourteen years of age. In case of the voluntary separation of husband and wife the court has power, upon petition of either party, to award the custody of minor child or children to either father or mother, as may appear to him to be for the best interests of the child.

**Miscellaneous.** Women are of age at twenty-one, but may marry without consent of parents and make a valid will at eighteen.

A married woman cannot become her husband's

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surety, either directly or indirectly, but husband and wife may contract directly with each other.

A wife may insure her husband's life for the benefit of herself or her children, or the husband and father may insure his life for her benefit or for the benefit of the family, and such insurance is exempt from claims of creditors or other obligations to such an amount as may be purchased for an annual premium of seven hundred and fifty dollars as an ordinary life policy in a standard life insurance company.

In case of bigamy, the first or lawful wife is not a competent witness against her husband. The second wife is a competent witness.

A married woman may will her separate property, but she cannot deprive her husband of his right to courtesy in her real estate. Marriage revokes a woman's will previously made.

Before 1896 a woman's wearing apparel and ornaments belonged to her husband. Now such articles are her separate property no matter how they are acquired.

The husband is not liable for debts or obligations of the wife contracted either before or after marriage.

He may recover for injuries to wife causing loss of society and for expenses incurred because of her injuries, but any damages recovered by herself for injuries to person or reputation belong to her and her estate.

**Political Status.** Women have no suffrage in Alabama, and have few offices. Persons who are not qualified electors are ineligible and disqualified for holding office under the authority of the state, except as otherwise provided.

Women may not be appointed notaries public, but may be admitted to practice law.

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## ALASKA

**Marriage.** Marriage is a civil contract and may be entered into by males who are twenty-one and by females who are eighteen years of age. No particular form is necessary. It is sufficient if the parties declare in the presence of the party solemnizing the marriage and of two witnesses, that they take each other to be husband and wife. Marriages according to forms and usages of particular religious societies are valid, though not solemnized according to the requirements of the law.

**Divorce.** Causes for divorce are, impotency; adultery; conviction of felony, wilful desertion for two years; cruel and inhuman treatment endangering health or life, gross drunkenness for one year if habit was contracted after marriage. The plaintiff must be a resident at time of commencement of action, and for the previous three years. Neither party can marry another person until the time for taking an appeal has expired, or if appeal is taken, until judgment is rendered upon the appeal. The court may decree that the husband pay the costs and may provide for the custody and maintenance of minor children pending the action, also that the wife may be free from the control of the husband, and may restrain either or both parties from disposing of the property of the other until final decree is rendered.

In case of divorce the court has power to decree as follows: for future care and custody of minor children, for the recovery from the party in fault such an amount as may be just and proper for such party to contribute towards the maintenance and education of the minor children; for an amount to support the other party, for the delivery to the wife when she is not in fault, of all of her personal property in possession and control of the husband at the time of giving judgment; for the appointment of trustees to collect, receive, expend, manage or invest as the court may direct, any sum of money adjudged for the maintenance of the wife or the nurture and education of the minor children committed to her care or custody, to change the name of the wife when she is not the party in fault.

The decree may be modified at any time, or that portion which provides for alimony and the appointment of trustees may be set aside.

Marriages are void if within prohibited degrees of consanguinity or affinity or if a former husband or wife is living. They are voidable, if the parties, or one of them, was incompetent because of lack of legal age, or sufficient understanding.

**Property Rights.** All property of every married woman at the time of her marriage or afterwards acquired by gift, devise or inheritance, including also property acquired during the marriage by her own labor, is her separate estate. It is not subject to the debts or contracts of her husband, and she may manage, sell, convey, or devise it by will, to the same extent and in the same manner, that the husband can property belonging to him. The husband must join

in conveyance of the wife's real estate, unless he has abandoned her, when she may sell, convey and deal with her separate property as if unmarried, and may sue and be sued in her own name in relation to her separate property or any contract made by her during such abandonment.

Married women may make a list of all personal property belonging to their separate estate at time of marriage or acquired since, and have the same recorded, and such list is *prima facie* evidence that such property belongs to the wife and that all other personal property not recorded is the property of the husband.

Should husband or wife obtain possession of property belonging to the other either before or after marriage, the owner may maintain an action for the recovery of the same in the same manner and to the same extent as if unmarried.

Neither husband nor wife is liable for the debts or liabilities of the other incurred before marriage, nor for the separate debts of each other during marriage, nor is the rent or profits of separate property liable for the debts of the other.

Dower and curtesy both prevail. The widow is entitled to dower in all real property owned by her husband at time of his death. The husband is entitled to curtesy in all real property owned by the wife. This right of husband does not depend upon the birth of children. If there are no lineal descendants, the survivor takes all of the real property. After payment of debts all the residue of the personal property, if any, goes to the survivor, unless there are children, when the survivor will take one-half of the personal estate.

The widow and minor children are entitled to all the exempt personal property, including a homestead of one hundred and sixty acres of land or one-fourth of an acre in a city or town, not to exceed twenty-five hundred dollars in value. If there are no children this belongs to the widow. If no widow, to minor children.

**Guardianship** Every father may by his last will in writing appoint a guardian for his minor children, whether born at the time of making the will or afterwards, to continue during the minority of the child or for a less time. If the father is dead and has not appointed a guardian by will, the mother may appoint by will, or when by judgment of divorce the custody of such child or children has been awarded to the mother, but such appointment by either shall not deprive the surviving father or mother of the custody of the person of his or her children, such surviving parent being competent to transact his or her own business.

The power of a mother to apprentice her children whether legitimate or illegitimate ceases in case of her subsequent marriage, and cannot be exercised during the continuance of the marriage, either by herself or her husband.

**Miscellaneous.** Men and women attain their majority at twenty-one. All married women under twenty-one are deemed to have arrived at majority.

A married woman is liable for all civil injuries and damages may be recovered from her alone.

Every person twenty-one years of age may execute a will of all his or her property real and personal, except in the case of married women who cannot defeat

the husband's courtesy by will, nor can a husband defeat his wife's right of dower.

Husband and wife are competent witnesses for or against each other, but if either is accused in criminal actions, the other will not be allowed to testify unless by consent of both. In all cases of personal violence upon either by the other, the injured party shall be allowed to testify against the other.

"All civil disabilities of married women which are not imposed or recognized as existing as to the husband are repealed, and for any unjust usurpation of her property or natural rights, she may appear in her own name to the courts for redress."

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## ARIZONA

**Marriage** The legal age for marriage in this state is eighteen for men and fourteen for women. Consent of parent or guardian is necessary if the man is under twenty-one or the woman under eighteen. If both parents are living the consent of the father alone is sufficient, except where parents are living apart, then consent must be given by the parent having custody of the minor. The parties must secure a license from the clerk of the probate court. The clerk issuing the license to minors without consent of parent or guardian, or person failing to make returns as required by law, may be punished by fine or imprisonment or both. Marriages between white persons, and Negroes, Mongolians or Indians are prohibited.

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**Divorce.** Causes for divorce are adultery, abandonment for two years, conviction of felony followed by imprisonment, provided suit is not brought until one year after final judgment, and the conviction has not been on testimony of the other party, cruel treatment consisting of personal violence; in favor of the wife for the wilful neglect of the husband for two years, to provide the comforts and necessaries of life, having the ability to provide the same, or failing to do so because of idleness, profligacy, or dissipation; in favor of the husband, when at time of marriage the wife was pregnant, without his knowledge or agency

The applicant must have been a resident of the state one year before commencing action. Alimony and an allowance for expenses of suit may be allowed during the action and a division of the community property may be decreed. After action for divorce is commenced by the wife, the husband cannot dispose of any of the community property, nor can he contract any debts on account of it, and any conveyance under such circumstances will be pronounced null and void, if it can be shown that it was made with a view of injuring the rights of the wife. Custody of minor children will be decreed as may be for their best interests.

Marriages may be pronounced void for non-age or any other reason or impediment which would render the contract void from the beginning.

**Property Rights.** In 1864 married women were given power to will property. January 22, 1871, they were granted control of separate property and by an

act of February 19, 1881, a married woman might claim her own wages or earnings, but only if living separate from her husband.

The community system prevails. All property owned or claimed by either husband or wife at marriage or acquired by either during the marriage, by gift, inheritance or will, and all rents and profits from such property constitutes the separate estate of each, and is not liable for the debts of the other, whether contracted before or after marriage. The earnings and accumulations of the wife and her minor children in her custody, if living separate from her husband, are also the separate property of the wife. If the wife is eighteen years of age or over, she has exclusive control of her own property and may sell, mortgage, convey or will it, or dispose of it in any way as freely as if she were unmarried. A married woman's property must be inventoried and recorded and such inventory is then notice of ownership.

All property acquired in any other way by either after the marriage is community property and belongs to both, but the husband controls it all. He may dispose of the personal property with or without consent of the wife, but she must join in all deeds or mortgages of the community real estate to render them valid. The community property is liable for the community debts contracted by the husband during marriage. The wife may incur debts for necessaries for herself and children, upon the credit of the husband, in which case, she and her husband must be sued jointly, and any judgment rendered in such case, is a lien first upon the community property, second upon the separate

property of the husband, and third, upon the separate property of the wife

Dower and curtesy are abolished. If either husband or wife dies without a will, leaving a child or children the survivor takes a life interest in one-third of the separate real property, and one-third of the separate personal property absolutely. Also one-half of the community property. If there are no children or their descendants, or father or mother, the survivor takes the entire separate estate, and the whole of the community property, charged with community debts.

If the homestead has been selected from the community property, it vests absolutely in the survivor. If selected from the separate property of either it vests in that one or the heirs. The widow and minor children are entitled to remain in possession of the homestead and of all family wearing apparel and all household furniture of the decedent, and are entitled to a reasonable provision for their support, until administration is granted. During administration an allowance of all exempt property including the homestead not exceeding twenty-five hundred dollars in value, shall be set apart for the use of the survivor and minor children. If there are no children, this allowance shall belong to the survivor. If there is a child or children, one-half belongs to the survivor and one-half to the child or children. Such allowance has preference over all claims against the estate, except funeral expenses and expenses of administration. If the widow has a maintenance from her own separate property equal to the portion set apart for her, the whole property set apart other than her half of the homestead, must go to

the minor children. Property of widows and minor children, not to exceed one thousand dollars in value, is exempt from taxation.

**Guardianship.** The father if living, if not the mother, while she remains unmarried, is entitled to the guardianship of the child. If both parents are living, the father with the written consent of the mother may by will appoint a guardian of both person and property of the child, such guardianship to take effect upon the death of the father. A guardian may be appointed by will of either parent, if the other is dead or incapable of consenting. As between parents adversely claiming the custody or guardianship, neither parent is entitled to it as of right, but other things being equal, if the child is of tender years, it should be given to the mother, or if it is of an age to require education and preparation for business or labor, then to the father.

**Miscellaneous.** Married women of eighteen years of age or over shall have the same legal rights as men of twenty-one and upwards, except the right of suffrage and of holding office, and except the right to make contracts binding the common property of husband and wife, and are subject to the same legal disabilities as men of the age of twenty-one years and upwards.

Minors attain majority for all business purposes by marriage.

By giving formal notice as required by law, a married woman may carry on a separate business in her own right. She may sue and be sued alone in relation to her separate estate or her separate trade or business.

If a married woman is named in a will as executrix, she may act but she cannot be appointed administratrix.

**Political Status.** Since 1887 women have had school suffrage November 5, 1912, by an amendment to the constitution, full suffrage was given. Under this amendment women are probably eligible to all public offices. They may be attorneys and notaries public.

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## ARKANSAS

**Marriage.** Marriage is a civil contract. Males seventeen and females fourteen years of age may contract a legal marriage. If parties are under these ages, the marriage is void. Consent of parent or guardian is necessary if the man is under twenty-one or the woman under eighteen. A license must be procured in all cases. Marriages between white persons and negroes are illegal and void. Marriages valid where contracted are valid here.

**Divorce.** Causes for divorce are adultery, impotency; desertion for one year without cause; a former husband or wife at time of marriage, conviction of felony or other infamous crime, habitual drunkenness for one year, such cruel treatment by one as endangers the life of the other, such personal indignities as shall render the condition of the applicant intolerable. The plaintiff must have resided in the state one year before commencing action. The cause for divorce must have occurred within the state, or must have been a legal ground for divorce where it did occur or the plaintiff

must have resided in that state at the time it occurred. No suit can be brought where cause occurred or existed more than five years next preceding commencement of action.

Alimony and attorney's fees may be allowed pending the proceeding and permanent alimony and the custody of children may be awarded in the discretion of the court. The respective property rights of each will be determined and an order to return property acquired by either through the marriage or for maintenance of wife and children will be decreed, as may seem just to the court. A decree of divorce may at any time be altered as to alimony and custody and maintenance of children, upon the application of either party, if cause for such change can be shown to the satisfaction of the court. Proceedings to set aside a final decree of divorce must be by joint petition of both parties. The wife may be restored to her maiden name.

Marriages are void if within the prohibited degrees of relationship, and between members of the white and colored races, and may be declared void, if consent was obtained by fraud or force, or if either party was under legal age, or for physical incapacity, or lack of understanding.

If a former husband or wife has been absent from the state, unheard of for five years, a second marriage is justified and is legal.

**Property Rights.** The constitution of 1874 granted to married women the control of separate property and wages, and power to will the same.

All property, both real and personal, owned by a woman at marriage or coming to her after marriage,

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including her earnings, constitutes her separate property. It is not under the control of her husband, nor liable for his debts, though it may be liable for necessities for family use. It is also liable for the wife's debts incurred before marriage and for all obligations contracted with reference to it. If a wife schedules her separate property and has it recorded, it is notice to third parties, also *prima facie* evidence of ownership. The wife may sell or encumber her separate property and may will it as freely as if unmarried. She may trade or have a separate business, and may make contracts and sue and be sued with reference to such trade or business or concerning her separate estate.

Dower and curtesy both prevail, but curtesy depends upon issue born alive and if the wife has not disposed of the property during life or by will. Both are superior to claims of creditors. Dower attaches to all real property owned by the husband during the marriage, unless it has been released or forfeited by the wife. If there are children, the widow is entitled to a life interest in one-third of her husband's property and to one-third of his personal property absolutely. If there are no children she takes one-half of the estate, both real and personal absolutely, as against heirs, but if there are creditors, she can take but one-third of the estate. She is entitled to only one-third in any ancestral estate.

If a husband makes provision for his wife by will, it will be held to be in lieu of dower, unless the contrary is expressly declared in the will. If provision

has been made for a wife in lieu of dower by the will of her husband, she may elect whether she will take the provision made for her, or her dower.

The widow is entitled to a reasonable allowance out of the estate of her husband sufficient for maintenance during settlement of the estate, and all wearing apparel and other exempt personal property, and in addition to this allowance, such other personal property as she may select, not exceeding one hundred and fifty dollars in value. Until dower is assigned, she is entitled to one-third of the rents and profits of the real estate, if there are children, or to one-half if there are no children. The homestead is exempt to the surviving husband or wife and minor children, and must be included in dower when assigned if that is possible, but the widow cannot be deprived of it in any event. If the estate does not exceed three hundred dollars all may be assigned to the widow. If it exceeds that amount, in no case must less than that amount be assigned to her.

**Guardianship of Children** The father if living, if not, the mother is guardian of the minor child, and entitled to custody of both person and property, unless the property is not derived from the parent. The father may appoint a guardian by will, with the consent of the mother if living, in writing. The last surviving parent may appoint a guardian by will.

**Miscellaneous.** If a husband abandons his wife minor children under twelve years of age, he may be punished by fine or imprisonment or both.

A married woman may insure or cause to be insured the life of her husband for her use and benefit for an

amount which can be purchased for a premium not to exceed three hundred dollars annually. If the husband survives his wife, this insurance may be made payable to her children.

A married woman may execute a power of attorney, conferring power to control, encumber or convey real estate.

Men attain majority at twenty-one and women at eighteen.

A woman's will is revoked by subsequent marriage

**Political Status** Women have no right of suffrage in this state, nor are they eligible to any office, neither can they be admitted to practice law

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## CALIFORNIA

**Marriage.** Marriage is a personal relation arising out of a civil contract, to which the consent of the parties capable of contracting is necessary. Consent must be followed by solemnization authorized by law. The legal age is eighteen for men and fifteen for women. If the man is under twenty-one or the woman under eighteen, the consent of parent or guardian is necessary. A license must be procured. No particular form of marriage is necessary but parties must declare in the presence of the person officiating, that they take each other as husband or wife.

The constitution of California provides that no contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

Marriage of white persons with negroes, mulattoes or Mongolians is illegal and void.

**Divorce.** Causes for divorce are adultery; extreme cruelty for one year, wilful neglect for one year, habitual intemperance for one year; conviction of felony. A residence of one year is required. The court may order as seems best for the custody, care, education and maintenance of the minor children.

For alimony, maintenance and costs of action, the court may resort first to community property, then to the separate property of the husband. If the wife has sufficient separate property for her support, or if her share of the community property is sufficient, the court may withhold the allowance from the husband's separate property. If the divorce is granted for adultery or extreme cruelty, the community property shall be assigned to the respective parties in such proportions as the court from all the facts of the case and the condition of the parties, may deem just. If the decree is rendered on any other ground, the community property is equally divided.

If a homestead has been selected from the community property, it may be assigned to the innocent party, either absolutely or for a limited period, subject, in the latter case, to the future disposition of the court, or it may be divided or sold and the proceeds divided. If the homestead has been selected from the separate property of either, it shall be assigned to the former owner, subject to the power of the court to assign it for a limited time to the innocent party.

No divorce will be granted on the confession of the defendant unless corroborated by other evidence.

Marriages of divorced persons are void if entered into within one year from date of the decree

The order as to alimony, care, custody and maintenance of children, may be modified at any time or vacated in the discretion of the court.

A wife may sue for separate maintenance for herself and minor children, without divorce, if she has been deserted by her husband

A marriage may be annulled for lack of legal age, if former husband or wife is living, if consent was obtained by fraud or force; and for physical incapacity.

**Property Rights** March 9, 1870, power was conferred upon a married woman living separate from her husband to control her own earnings. If she lives with her husband her wages or earnings are community property and belong equally to husband and wife.

By act of March 21, 1872, both husband and wife were given power to control and will their separate property. The community system prevails. The constitution of 1849 provided that "all property both real and personal owned or claimed by a married woman before marriage and that acquired afterwards by gift, devise or descent shall be her separate property, and laws shall be passed more clearly defining the rights of the wife in relation, as well to her separate property, as to that held in common by herself and husband. Laws shall also be passed providing for the registration of the wife's separate property."

The constitution of 1879 provides that all property owned by either husband or wife at marriage or that acquired afterwards by gift, devise or descent shall

be the separate property of each. Earnings of wife and minor children in her custody, if living separate from the husband are the separate property of the wife. Insurance payable to a wife is a gift from the husband whether paid for with separate or community funds, and is her separate property.

All property acquired by either or both during the marriage in any other way, including earnings of wife, if living with her husband, are community property belonging equally to both husband and wife. The husband has the sole management and control of community property with absolute power of disposition, but he cannot give it away, or convey it without a valid consideration unless the wife consents in writing. The furniture, furnishings and fittings of the home and all clothing and wearing apparel of the wife and minor children are community property, but such articles cannot be sold or encumbered, without the consent of the wife in writing.

The wife has absolute control of her separate property and may contract regarding it, or may sell, convey, encumber or will it as if unmarried. The separate estate of each is liable for all debts contracted by that one before marriage, but it is not liable for the debts of the other. If the wife has no separate estate, the community property is liable for her debts contracted before marriage, but it is not liable for her personal debts incurred after marriage, unless the husband pledges or mortgages it in writing as security for them.

The separate property of each and the community property are both liable for the education and support

of the children. A wife may make a full and complete inventory of her separate personal property and acknowledge it and have it recorded, and the filing of such inventory is notice and *prima facie* evidence of the wife's title. Desertion of the husband and absence from the state or country for five years, gives the wife authority to act as a single woman and she may, under such circumstances, dispose of the community property.

There is neither courtesy nor dower. If the wife dies intestate the husband is entitled to all the community property without administration. On death of the husband the wife takes one-half the community property, the other half going to his heirs. The husband may will one-half of the community property, but the wife has no such authority, unless the court by decree has set aside a portion of it for her support or maintenance. This portion may be disposed of by will and if it is not thus disposed of it will descend to her heirs exclusive of her husband. Husband or wife takes community property subject to community debts.

The separate estate both real and personal is divided as follows. If there is one child or the descendants of one child living, the surviving husband or wife takes one-half; if more than one child, the survivor takes one-third; if there are no children, or issue of children, the survivor is entitled to one-half the estate, the other half going to decedent's father and mother, or either if the other is dead, if there are no descendants or father or mother living, the survivor takes the whole estate.

A homestead to the value of five thousand dollars is exempt to the survivor and minor children. If it has been selected from community property or from

separate property of either with the owner's consent, it vests in the survivor. If it was selected from the separate property of either without the consent of the owner, upon his or her death it vests in the heirs subject to the power of the court to assign it for a limited time to the family, usually until majority of the youngest child

**Guardianship of Children.** The father is entitled to the custody, service and earnings of a minor child, but he cannot transfer such custody or service, without the written consent of the mother unless she has deserted him or is living separate from him. If living apart the husband has no right superior to that of the wife to custody, care and education of the minor children. In case of adverse claims, the court has power to determine which shall have the care of the child and its earnings. The father must support minor children if able to do so. If such support is inadequate the mother must assist to the extent of her ability

**Miscellaneous.** The husband is the head of the family and may choose any reasonable place of living and the wife must conform thereto.

The husband must furnish a reasonable support for the wife. If he fails to do so, any other person may in good faith supply her with articles necessary for her support, and recover the value of them from the husband. A recent law provides that a husband convicted of non-support, may be sentenced to jail and be required to work on the public roads or other public works, and the county shall pay to the wife the sum of one dollar and fifty cents each day while her husband is thus confined and employed

The wife must support the husband when he has no separate property or there is no community property and he is unable from infirmity to support himself.

Neither husband nor wife has any right or interest in the property of the other, but neither can remove the other from the dwelling of either.

By permission of court married women may trade or transact business as if unmarried, and they then become responsible for the support of minor children.

A married woman may make contracts and bind herself and her property by a note and mortgage.

She cannot act as administratrix, but may act as executrix if appointed by will.

Women are of age at eighteen for all purposes. Men at twenty-one.

A woman's will is revoked by her subsequent marriage.

**Political Status.** In October, 1911, by the passage of a constitutional amendment, women were given the right to vote and full political rights and privileges the same as men, when they possess the qualifications required of male voters. They have been eligible to all educational offices since 1874, and since that date the law has required female teachers to be paid the same salaries as male teachers, for the same work

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## COLORADO

**Marriage.** Marriage is a civil contract, to which the consent of the parties is essential. A license is required. If the man is under twenty-one or the woman

under eighteen, the consent of parent or guardian is necessary. If there is no parent or guardian, the person who is chosen to solemnize the marriage may exercise his own discretion. Marriages between white persons and negroes or mulattoes are absolutely void and persons who violate the law by uniting in marriage such persons may be punished by fine or imprisonment or both. Marriages which are valid where contracted are valid here.

**Divorce.** A divorce may be granted for either of the following causes: adultery; impotency; if defendant had wife or husband living at time of marriage; extreme cruelty consisting of physical violence or causing mental suffering; wilful desertion without reasonable cause for one year; habitual drunkenness for one year, conviction of felony.

A residence of one year before beginning action is required, unless the charge is adultery or extreme cruelty committed within the state. Neither party can marry again within one year from date of the decree. Both temporary and permanent alimony may be allowed, and the custody of children given to either party, at the discretion of the court.

If no appeal is taken the decree may be reopened and changed or set aside within one year, upon application of the defeated party if reasonable cause can be shown. Any woman suing for a divorce, who is too poor to pay the expenses of such suit, shall be allowed to prosecute her suit without costs and in such case no fees shall be charged by the officers of the court.

**Property Rights.** November 7, 1861, married women

were given control of their property and wages and power to will one-half of their separate property

All property owned by a woman at marriage or coming to her after marriage by will, inheritance or gift or by the proceeds of her own labor or business, including also gifts from her husband of jewelry, silver, table ware, watches, money, and wearing apparel, constitutes her separate property, which she may manage and control absolutely. She may buy, sell, and deal in all kinds of property, and may convey or encumber her real property as freely as if unmarried and without her husband's consent or signature.

Her property is not liable for debts of her husband. It is liable for her own debts contracted before or after marriage. The husband is liable for debts of the wife incurred before marriage only to the extent of the property he may receive with or through her because of the marriage. This liability is not extinguished by the death of the wife. Neither husband nor wife can dispose of more than one-half of his or her property by will, unless the other consents to the disposition of the whole.

Husband and wife may make all manner of contracts directly with each other and convey property to each other. A married woman may sue and be sued as if unmarried in all matters relating to property, person and reputation. Judgments recovered against her are a lien on her separate property, but not on property of her husband. She may carry on any trade or business and perform any labor or service on her sole and separate account and her earnings or profits from her

trade, business, labor or services are her separate property and are liable for her debts and obligations. "She has been given every right that her husband enjoys and is subject to the same liabilities "

Husband and wife are jointly liable for the expenses of the family and the education of their children and the property of either or both is liable for debts contracted for such expenses or for education of children.

Dower and courtesy have been abolished. Upon death of either husband or wife the survivor is entitled to one-half of the entire estate both real and personal. if there is a living child or children. If there are no children, the entire estate, undisposed of by will, passes to the surviving husband or wife. The widow may choose whether she will accept the provision made for her by her husband's will, or take one-half of his estate. A homestead not exceeding two thousand dollars in value may be set aside for the use of the survivor and minor children if any, also, certain articles of household furniture and other exempt personal property not to exceed two thousand dollars in value. If there is no surviving husband or wife, minor children are entitled to the same allowance

**Guardianship.** Husband and wife are joint guardians of their minor children with equal powers, rights and duties with regard to them. Upon the death of either, the survivor may by deed or will appoint a guardian for any child under twenty-one years of age.

**Miscellaneous.** The husband must support his wife and minor children under sixteen years of age. If he fails to do so, unless he is unable to furnish such support, because of physical incapacity or other good

cause, he may be adjudged guilty of a misdemeanor and committed to the county jail. If he leaves the state he may be brought back by requisition

Women are of age for all purposes at eighteen.

Men twenty-one and women who are eighteen years of age may make a will of real property, but personal property can be willed by either at seventeen.

**Political Status.** Women were granted school suffrage in 1876 and full suffrage in 1893

They have equal political privileges and may vote upon all questions at all elections, providing they are of the required age and have the other necessary qualifications required of male voters

Women may hold any office and may practice law.

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## CONNECTICUT

**Marriage.** A license must be procured prior to a marriage and if either party is a minor the consent of the parent or guardian must be given in writing. No particular form is necessary, the declaration of the parties that they take each other to be husband and wife, in the presence of the person officiating, being sufficient, and marriage solemnized according to rules or usages of any religious society or denomination is valid.

**Divorce.** Causes for divorce are adultery; desertion and total neglect for three years, fraud in the marriage contract; seven years' absence unheard from; habitual intemperance, intolerable cruelty, imprisonment for life, any infamous crime involving a violation of con-

judical duty and punishable by imprisonment in the state prison. A continuous residence of three years is necessary, unless the cause for divorce has occurred since the plaintiff's removal to the state, or unless the defendant shall have been a resident three years next before the date of the complaint, and personal service shall have been made on him or her, or unless the cause is habitual intemperance, or habitual cruelty and the plaintiff was domiciled in the state at the time of marriage, and has returned before beginning suit with the intention of remaining. The court has discretionary power to issue any order that the circumstances may seem to require.

A reasonable share of the husband's property not exceeding one-third may be awarded the wife and in addition thereto, or in lieu thereof, the court may order alimony to be paid from the husband's income

The care and custody of children may be given to either party and alimony may be ordered while suit is pending. The wife's name may be changed. "When any married woman shall have derived any estate from her husband in consideration of marriage, or love and affection, and her husband is divorced from her because of her misconduct, the court may decree that such estate, or that portion of it remaining in her possession and standing in her name, shall thereafter belong to him." The court retains jurisdiction and the decree may be modified or changed if cause arises

**Property Rights.** Married women have had power to will property since 1809. April 20, 1877, a law was passed giving control of property and of wages or earnings. Prior to this date, the husband had control and

use of his wife's real estate during the marriage, but while the wife lived it could not be taken for his debts. All rents and profits belonged to him, but were liable for debts contracted for necessaries for family use.

If property was purchased during the marriage, with the proceeds of her personal service or labor, this property, with all personal property, constituted her separate estate, but her husband controlled or managed it. The law regarded him as her trustee. This separate estate was not liable for any debts contracted by the husband, but it was liable for debts incurred for the support of herself and children.

It was necessary for husband and wife to join in any conveyance of this property unless the husband had deserted his wife, when he forfeited all claim to her property or income and she could transact all business as if unmarried. She could sue and be sued and if the abandonment continued for a period of three years, by permission of court she might convey her real property without her husband's signature.

Under the law of 1877, the wife's separate property consists of all property of every kind owned by her at marriage, or acquired after marriage in any way, including her earnings, and she may contract, and sue and be sued concerning it, and convey her real property as freely as if unmarried.

Neither husband nor wife has any interest in the separate property of the other while they both live, and such property is not liable for the debts of the other.

The property of both is jointly liable for rent or for articles purchased by either for the benefit of both or for the support of the family, for services of a physi-

cian, for the wife's wearing apparel or for her support if abandoned by her husband.

It is the duty of the husband to support his family and his property must first be applied to the payment of such claims, and the wife is entitled to an indemnity from the property of the husband for any property of her own which may be taken, or for any money which she may be compelled to pay for the satisfaction of such claims.

Under the old law dower and courtesy both prevailed. If the husband died without a will, the wife was entitled to one-third of his personal estate if there was a child or children. If there was no living issue, she took one-half of it; but his estate, if there were no children, was always liable for the support of the wife while she remained a widow, and if her share of the estate was not sufficient, all the heirs of the estate, to whom it descended or to whom it was willed, were liable to contribute pro rata towards her support.

By the law of 1877 the interest of the surviving husband or wife in the estate of the other is equal. If there are children, the survivor is entitled to the use of one-third of the estate, both real and personal for life, after payment of debts. When there is no will the survivor shall take such third absolutely. If there are no children and no will the survivor is entitled to all the estate to the value of two thousand dollars, and one-half of the remainder absolutely.

If a will makes provision for the survivor, he or she may elect whether to accept such provision or to take one-third of the estate or other portion allowed by law.

The court may allow the widow an amount sufficient

for her support during settlement of the estate. He may set out certain household goods and other exempt personal property for her use, when the estate is not sufficient to pay debts. The homestead to the value of one thousand dollars goes to the surviving husband or wife for life and to the minor children until they reach majority.

**Guardianship.** Father and mother are joint guardians of the persons of their minor children under twenty-one years of age, and the powers, rights and duties of both in regard to such minor are equal. Upon the death of either the survivor shall be the sole guardian of such child. The surviving parent may appoint a guardian by will.

**Miscellaneous.** The husband who fails to support his wife may be arrested and fined or imprisoned, and if he abandons her for another woman, he may be imprisoned for a term not to exceed three years.

A policy of insurance payable to a married woman, or assigned to her or in trust for her, shall inure to her separate use and in case of her death before the death of the insured or maturity of the policy for other cause, if so specified in the policy, it shall inure to the use of her children, or of her husband's children, provided the annual premium on such policy shall not exceed five hundred dollars, and it shall be exempt from claims of creditors.

A married woman may act as trustee under, or executrix of any will, and as administratrix, guardian of any minor, or conservator of any incapable person and may accept such appointment and discharge the duties, without the consent or concurrence of her husband.

She may sue and be sued in her official capacity, as an unmarried woman.

All persons eighteen years of age may make a will. Marriage revokes a will previously made.

**Political Status.** In 1893, women were given the right to vote for school officers and directors of public libraries, and upon questions relating to education or to schools or to public libraries.

"Any woman who shall knowingly vote illegally or shall testify falsely as to her qualifications may be fined not more than fifty dollars or imprisoned not more than thirty days."

They are eligible to serve as members of boards of education, boards of school visitors, town school committees or district committees. They may hold the office of assistant town clerk, registrar of births, deaths and marriages, or commissioner of the supreme court.

They may be appointed as notaries public and may practice law.

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## DELAWARE

**Marriage.** A legal marriage may be contracted if the man is eighteen and the woman sixteen years of age, but consent of parent or guardian is necessary if either is under twenty-one. Marriages between white persons and negroes or mulattoes, also between persons of sound mind and those who are insane or idiotic are prohibited. Persons violating this statute, including the parties themselves, and those who issue the license and solemnize the marriage, may be punished by fine or imprisonment, or both. Even though the marriage

was solemnized outside of the state, if living together as man and wife within the state, the parties are subject to the same punishment.

**Divorce.** An absolute divorce may be granted for any of the following causes: adultery, bigamy; conviction and sentence for crime followed by imprisonment for at least two years, provided that such conviction has been the result of trial by a competent court, in one of the states or territories of this country, or in a Federal Court, or in some foreign country granting a trial by jury, followed by an equally long term of imprisonment, extreme cruelty such as to endanger life or health, wilful desertion for two years, habitual drunkenness for two years

A legal separation without divorce may be decreed for the following causes: adultery; bigamy, conviction of crime, extreme cruelty, wilful desertion, habitual drunkenness; hopeless insanity of husband.

Marriages may be annulled for the following causes existing at time of marriage: impotency, where a former wife or husband was living; when marriage was procured by fraud, force or coercion; when either party was within the prohibited degrees of consanguinity or affinity, when either party was insane, or was not of legal age

In case of divorce, separation or annulment, the court is authorized to make such order for distribution of property, care and custody of children, and maintenance of both wife and children, as may be just and reasonable, and has power to revise or change such decree at any time, as occasion may require.

A divorce obtained in another state for a cause which

would not be sufficient in this state will not be recognized here.

**Property Rights.** April 9, 1873, married women were granted control of both property and wages and were authorized to will their separate property. Prior to this date, all the personal property belonging to a woman and the profits or income from her real estate belonged to her husband. Since the law of 1873 married women may hold as their separate estate, all property which they had at time of marriage, and all which they have acquired since, or may acquire in the future (except such as may be received from the husband), including earnings from personal labor not performed for the family.

The separate estate of the wife is free from the control of the husband, and is not liable for his debts, but it is liable for all debts of the wife whether contracted before or after marriage.

The husband must join with the wife in all conveyances of her real estate, unless he has abandoned her, when she may convey it, as if unmarried. While she may will her separate property, she cannot deprive her husband of his right of courtesy, without his consent in writing.

A married woman may contract and sue and be sued in relation to her separate property, including her earnings, either alone or jointly with her husband.

**Dower and courtesy prevail** The wife is entitled to dower or a life interest in one-third of all real property of which the husband died seized. The husband is entitled to courtesy in all real property owned by the wife at time of death, if there is or has been issue born

alive; if there have been no children, the husband takes a life interest in one-half of his wife's real property, after all debts are paid. The widow is entitled to one-third of the personal property absolutely; the husband takes all the personal estate of his wife, if she leaves no children. If there are children the wife's personal estate is divided equally, between husband and children. If there are no children or their descendants, the wife takes one-half the real estate for life, and one-half the personal estate absolutely. If there are neither children nor other heirs, the widow takes the entire estate both real and personal. She is also entitled to exempt personal property, to be selected by herself, not to exceed two thousand dollars in value.

**Guardianship.** The father is the lawful guardian of his minor children, and may appoint a guardian of both person and property by deed or will.

**Miscellaneous.** If the husband fails to support his wife and minor children, he may be arrested and required to give bail of not more than five hundred dollars and he may be ordered to furnish a reasonable support not to exceed one hundred dollars per month and to give security for its payment. If he fails to comply with such order he may be committed to jail, and in all cases of non-support the wife is a competent witness.

If a husband assaults, strikes or beats his wife he may be whipped at the whipping post with not less than five nor more than thirty lashes and fined and imprisoned. (This law was passed February 22, 1901.)

Husband or wife may be a witness in civil cases to which the other is a party.

A married woman may insure her husband's life for the benefit of herself to the amount which can be purchased for one hundred and fifty dollars annual premium. The proceeds of such insurance is free from all claims against the estate of both creditors and representatives and if the wife dies before her husband, it may be made payable to her children or grandchildren.

A married woman may appoint an attorney, may give a bond, as if unmarried, and may act as administratrix or executrix.

**Political Status** In 1898 women were given limited school suffrage, the exact wording of the law being: "At any election held under the provisions of this act each person who would have had the right to vote at the regular school election of the district next preceding such special election and also every female resident seized of an estate of freehold situated in said district, shall have a right to cast one vote for every dollar and fractional part of a dollar of school tax assessed for the year in which such election is held against him or her respectively." This merely gives women who are tax payers the right to vote on questions of raising money for public school purposes.

They may also vote on the question of the establishment of free libraries and at elections for town library commission. In a few towns by town charter women vote on questions of raising money by taxation.

Women are not prohibited from holding office, but few women do hold office. They may be members of public library commissions.

As to attorneys the law provides that "there may be a competent number of persons, of an honest disposi-

tion and learned in the law admitted by the judges of respective courts to practice as attorneys therein."

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## DISTRICT OF COLUMBIA

**Marriage.** A male who is sixteen years of age or a female of fourteen may contract a legal marriage, but if the man is under twenty-one or the woman under eighteen, the consent of parent or guardian is necessary. The parties must secure a license, and it is the duty of the person issuing the same to require proof of age, if he is not personally satisfied that the applicants are of legal age. Marriages by rules or customs of any religious society are valid

**Divorce.** Absolute divorce may be granted for adultery committed during the marriage. The guilty party cannot marry again during the life of the other. Either limited or absolute divorce may be granted for cruelty or reasonable apprehension of bodily harm. Legal separation may be decreed for drunkenness, cruelty or desertion.

If the cause occurred outside of the district, the plaintiff must have been a resident at least three years next preceding the application. No decree will be rendered by default, nor on any admission unless proved by other evidence.

The court may decree alimony pending the action, and permanent alimony, and may determine which party shall have care and custody of minor children. The parties are free to marry again at any time. In all uncontested cases when defendant does not defend,

a disinterested attorney must be appointed to actively defend the same.

Marriages may be declared void where either was insane; if marriage was procured by force or fraud; or for physical incapacity. If either had a former husband or wife living or if parties are within prohibited degree of relationship, the marriage is void without legal proceedings.

**Property Rights.** The Code of 1857 conferred on married women the power to will property. April 10, 1869, they were given control of their own property, as expressed, "Any property real or personal acquired in any way "

The separate estate of a married woman consists of all property owned at marriage, and all acquired afterwards including any conveyed to her by her husband or acquired by her own skill, labor or personal exertions. It is in no way liable for the payment of her husband's debts. She may control and manage it as freely as if unmarried. She may will it, or convey or encumber it, without her husband's consent or signature and may make any kind of contract and sue and be sued in all matters relating to it, but no disposition of the property of a married woman, by deed, mortgage, bill of sale or other conveyance is valid if she is under twenty-one years of age.

Contracts and gifts between husband and wife are valid, if not in prejudice of creditors.

Dower and curtesy both prevail. If there are no children the wife takes one-half of her husband's personal property absolutely and one-half of the real property for life. If there are children she is entitled

to a life interest in one-third of the real estate, and to one-third of the personal property absolutely. If there has been issue born alive the husband is entitled to a life interest in all of his wife's real property and to the whole of her personal estate after payment of debts. If there is no child or descendants of any child, the husband takes one-half the realty for life, and the entire personal estate. If there are no descendants nor kindred entitled to inherit, the entire estate both real and personal goes to the survivor.

If provision has been made for the wife by will, she may elect whether she will take such provision or her dower. Any insurance payable to wife or minor children is exempt from claims of creditors.

**Guardianship.** The parents are the natural guardians of the persons of their minor children. If either dies, or is incapable of acting, the guardianship devolves on the other. Either parent from whom such child will inherit may appoint a guardian by will for the property of a minor child. The surviving parent may appoint a guardian of the person by will.

**Miscellaneous.** A man with property must furnish his wife and family a reasonable support out of his property, or must provide it otherwise, and he is liable for all of his wife's contracts for necessaries. The husband is not liable for debts of the wife contracted before marriage, nor for any of her contracts after marriage except for necessaries, nor for wrongful acts committed by her.

A married woman may engage in any business and may contract with regard to her separate estate whether engaged in business or not, and may sue and

be sued separately upon her contracts whether made before or after marriage, and for wrongs committed against her or her property, as fully and as freely as if unmarried

A married woman has no power to contract as surety or guarantor nor as accommodation drawer, acceptor, maker or endorser.

A wife cannot sue her husband for damages for injuries inflicted by him during marriage.

A married woman may act as executrix or administratrix.

She may insure her husband's life for her sole benefit.

In both civil and criminal proceedings husband and wife shall be competent but not compellable to testify for or against each other.

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## FLORIDA

**Marriage.** Unless both parties are twenty-one years of age, consent of parent or guardian is necessary. A license must be procured before a marriage can be legally solemnized. Marriages between white persons and negroes are prohibited. Negroes are persons having one-eighth or more of negro blood.

**Divorce.** A divorce may be granted if either party was within the prohibited degrees of relationship, for impotency; adultery, extreme cruelty, habitual indulgence in violent and ungovernable temper; habitual intemperance; wilful desertion for one year; if defendant has obtained a divorce in another state or country;

if former husband or wife was living at time of marriage. No limited divorce is granted, but a wife may apply for alimony or separate maintenance for any cause which would entitle her to divorce.

The applicant must have resided in the state two years preceding the commencement of the suit unless the defendant has been guilty of adultery, in which case the suit may be commenced at any time.

The court may provide for support of the wife out of the estate of the husband when divorce is granted, but if the wife has abundant means of her own alimony will not be allowed.

**Property Rights.** In March, 1845, by act of the legislature, a wife's property was made her own, and in 1868 this provision became a part of the state constitution. February 11, 1881, she was given power to will her property but not until 1891 was there any act giving her control of wages.

All property, both real and personal, owned by a woman at time of marriage, and all acquired afterwards in any way, constitutes her separate estate. Her earnings or wages acquired in any employment separate from her husband, belong to her. The separate estate of the wife is not liable for debts of the husband, but it is liable for her own debts contracted before marriage and for all contracted after marriage, for the benefit of her property. It is not liable for necessaries for the use of herself and family.

The husband has the management and control of the wife's property during the marriage and is entitled to the profits, but he cannot make it liable for his debts, unless the wife consents in writing, and her written

consent must be acknowledged and recorded like a deed of real property. It is necessary for a wife to make an inventory of her property and have it recorded, in order to secure it for herself and free it from claims of her husband's creditors.

Husband and wife must join in all conveyances of her real property and in all contracts binding upon her property, and she must acknowledge privately that such conveyance or contract was executed voluntarily and without compulsion.

If the wife has secured an order of court permitting her to carry on a separate business, she may then contract and be contracted with, sue and be sued, control her own property and bind it and herself as freely and fully as if she were unmarried.

Upon death of the husband, if there are children, the wife is entitled to dower, or a life interest in one-third of all real property owned by the husband at time of death or to which her interest has not been relinquished or barred, but she may elect to take a child's share absolutely in lieu of dower if she prefers to do so. She is entitled to one-third of the personal estate absolutely. If there is only one child she takes one-half of the personal property. If there are no children, the wife takes the entire estate both real and personal or dower as she may elect.

If a wife dies without a will, the property is divided equally between husband and children share and share alike. If there are no children, the husband takes all of the property, both real and personal. The widow retains the dwelling house with all improvements thereon until dower is assigned. She is also entitled to her

wearing apparel and household goods, with provisions and clothing as may be necessary for her maintenance and that of her family and these articles are not considered part of the widow's dower. A homestead of one hundred and sixty acres of land or one-half acre in a town, and personal property to the value of one thousand dollars is exempt to widow and minor children.

The homestead cannot be willed, but vests in the widow if there are no children. If there are children, the widow is entitled to dower in the homestead or a child's share as she may elect.

If a widow is dependent upon her own exertions, she may have property to the value of two thousand dollars exempt from taxation.

**Guardianship.** The father is the natural guardian of minor children and may appoint a guardian of both person and property by will or deed attested by two witnesses.

**Miscellaneous.** Married women including those who are minors, may will their separate property, both real and personal as freely as if unmarried.

A married woman may act as administratrix, if her husband's consent in writing is filed.

A husband is not responsible for ante-nuptial debts of his wife.

Any husband who shall desert his wife or children or both, and fail to furnish them means of support, unless some cause exists which would entitle him to a divorce, shall be punished by fine or imprisonment or both.

In order to engage in a separate business a married woman must publish notice of her intention to do so,

and after furnishing proof of her capacity and competency as well as her qualifications to take charge of and manage her separate estate, must secure an order of the court, authorizing her to carry on the proposed business or trade.

**Political Status.** Women have no suffrage in Florida. They may be appointed notaries public. They do not hold office.

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## GEORGIA

**Marriage.** A legal marriage may be contracted by a boy seventeen or a girl fourteen years of age. If the man is under twenty-one or the woman is under eighteen, the consent of the parent or guardian is necessary. A license must be procured. Marriages between white persons and those of African descent are prohibited.

**Divorce.** Divorce may be granted for the following causes: adultery; desertion for three years, when parties are within prohibited degrees of consanguinity or affinity; mental incapacity at time of marriage; impotency, when marriage was procured by fraud, force, menace or duress, pregnancy of wife at time of marriage without the knowledge or agency of the husband; conviction of an offense involving moral turpitude with sentence of imprisonment in the penitentiary for two or more years. Cruel treatment and habitual intoxication are grounds for either absolute or partial divorce in the discretion of the jury.

No divorce will be granted except on the verdict of two juries at different terms of court. A divorce from

bed and board may be granted by one jury. When the absolute divorce is granted the second jury decides what division of property shall be made and to whom custody of minor children shall be given. Unless there are valid reasons for decreeing otherwise, the custody of minor children shall be given to the party not in fault. If divorce is granted for adultery of the wife she loses her claim to dower.

**Property Rights.** An act of 1866 declared a wife's property separate and exempt from all liabilities of her husband. The Code of 1882 gives a wife control of her property and control of her wages if living separate from her husband or if she is carrying on a separate business with his consent made public by a notice in newspapers for one month.

All property that a woman may have at the time of marriage or all that she may acquire afterward by gift, inheritance or otherwise is her separate estate. It is not liable for debts of her husband and even if she willingly conveys it in payment of a debt of her husband, if the creditor had notice that the property conveyed belonged to the wife, she can recover it back. If living separate from her husband her earnings are her own.

Her property is liable for her debts incurred before or after marriage. It is not liable for necessaries for family use, though such articles were purchased by the wife, because the law assumes that she is acting as her husband's agent when contracting such debts. She cannot sell her property to her husband except on order of court, but she may convey to other parties. She may contract except with her husband, sue and be sued concerning her separate estate as freely as if unmarried,

but she cannot bind herself or her property as surety for her husband. She may carry on any separate business with her husband's consent, published for one month, and if she does this she is then liable on all contracts as if unmarried.

Upon the death of the husband the wife is entitled to share equally with children unless there are five or more, when she will take one-fifth part of the entire estate, but she may elect to take a dower interest in all lands of the husband owned by him at the time of death. Upon death of the wife the husband is entitled to a child's share of her estate. If either husband or wife dies without a will or descendants, the survivor takes the whole estate after payment of debts. The husband may take possession of his wife's estate without administration.

The wife is entitled to possession of the dwelling house and furniture upon death of her husband, until dower is assigned or until she receives her distributive share of the estate, and she is also entitled to one year's support for herself and minor children out of her husband's estate in preference to claims of creditors. She is entitled to homestead and personal property to the value of one thousand dollars for herself and minor children. If the estate does not exceed five hundred dollars in value it shall all be set apart for the support of the widow and minor children.

**Guardianship.** The father is the guardian of his minor child. He may appoint a guardian of person or property by will. The mother is the guardian only if the father is dead and she has no power to appoint a guardian by will unless she is a widow, and then only

for such children as have no guardian and as to such property as they may inherit from her.

**Miscellaneous.** A woman may act as administratrix or executrix and if married may sue and be sued in her official capacity as if unmarried.

The husband is the head of the family and may select his residence wherever he may choose. He must furnish a reasonable support for wife and children according to his means and suitable to his position in life.

Any person married or single may make a will at the age of fourteen. Marriage revokes a will previously made.

Husband or wife may recover for civil injuries to person or reputation of the wife.

A wife may act as attorney or agent for her husband.

When a wife is living separate from her husband and her minor children are living with her or if she is entitled to them by law or the court awards them to her, she is the head of the family in contemplation of the homestead and exemption laws.

A husband cannot will more than one-third of his estate to charitable, religious or other organizations or for public purposes to the exclusion of his wife and children.

The husband is liable for all civil injuries committed by the wife.

Husband and wife are not competent or compellable to give evidence in any criminal proceeding for or against each other.

The wife is competent but not compellable to testify against her husband upon his trial for any criminal offense committed or attempted to be committed upon

her person. She is also a competent witness in actions for child abandonment.

A wife who commits a crime or misdemeanor under threats, command or coercion of her husband shall not be found guilty except if the crime is punishable by death or perpetual imprisonment, but the husband shall be prosecuted as principal, and if convicted shall receive the punishment which otherwise would have been inflicted upon the wife if she had been found guilty.

**Political Status.** Women of this state have no form of suffrage. They may hold no other office than that of state librarian. They may not practice law, but are permitted to practice medicine. The law plainly states "females are not entitled to the privilege of the elective franchise nor can they hold any civil office or perform any civil functions unless specially authorized by law . . . provided nothing contained herein shall prevent a woman who has been a resident of the state four years and attained the age of twenty-one years from being eligible to the position of office of state librarian by appointment of the Governor."

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## IDAHO

**Marriage.** Marriage is a personal relation arising out of a civil contract, to which the consent of the parties capable of making it is necessary. The legal age for marriage is eighteen years for both men and women. If under this age, the consent of parent or guardian is necessary. A license must first be obtained by parties

desiring to contract marriage. Marriages between white persons and negroes are prohibited

**Divorce.** Absolute divorce may be granted for adultery; impotency; extreme cruelty; wilful desertion for one year; wilful neglect for one year; habitual intemperance for one year, conviction of felony; and if either husband or wife has become hopelessly insane. No divorce will be granted upon default or admissions of defendant, unless there is other proof of the facts alleged. The plaintiff must have been a resident of the state at least six months.

The court has authority to allow alimony necessary to support the wife and minor children, or to enable her to prosecute or defend the action, and may give such direction for care, custody and education of the children as may be necessary or proper, and may modify or vacate the same. When the divorce is for the fault of the husband, the court may compel him to provide for the maintenance of the children, and to make suitable allowance to the wife for her support, and may require him to give reasonable security for the same. In executing these provisions for support, resort must be had first to community property, then to the husband's separate property. Where the wife has a sufficient separate estate or there is sufficient community property to give her alimony, no allowance will be made from the separate estate of the husband.

In case divorce is granted on the ground of adultery or extreme cruelty, the community property must be assigned to the respective parties in such proportions as the court may deem just. If divorce is granted on any other ground, community property must be

equally divided. If the homestead was selected from community property, it may be assigned to the innocent party, either absolutely or for a limited period, subject to future disposition of the court, or it may be divided, or sold and the proceeds divided. If it was selected from the separate property of either, it must be assigned to the former owner, subject to the power of the court to assign it for a limited period to the innocent party. The disposition of the homestead and of community property is subject to appeal in all particulars

Marriages may be annulled for bigamy; non-age; mental unsoundness; impotency, all existing at time of marriage; or for consent obtained by force or fraud.

The court must award custody of children of a marriage annulled on the ground of force or fraud to the innocent party and provide for their education and maintenance out of the property of the guilty party.

**Property Rights.** The code of 1887 gave a married woman power to will her separate property and to control her wages if living separate from her husband. The community system prevails

All property owned by either husband or wife at time of marriage or acquired by either of them afterwards by gift, devise or inheritance or acquired with the proceeds of separate property is the separate estate of each. All other property acquired during the marriage is community property

The wife has the management, control, and absolute power of disposition of her separate property and may bargain, sell and convey her real and personal property, and may enter into any contract with reference to the same, in the same manner and to the same extent

and with like effect, as a married man may, with reference to his real and personal property. And the husband is bound by such contracts to the same extent that the wife is bound by similar contracts by the husband.

Separate property of either husband or wife is liable for separate debts of the owner, but not for the debts of the other. The wife may make an inventory of her separate property, sign, and acknowledge the same and have it recorded and such inventory is then notice and *prima facie* evidence of the title of the wife. The husband must join in all conveyances of the wife's real property, unless he has not been a bona fide resident of the state any time within a year next preceding her conveyance, in which case she may convey alone.

The husband has exclusive control and management of the community property during marriage, and may sell or mortgage it without the wife's consent except the homestead which cannot be conveyed or mortgaged unless husband and wife join.

There is neither dower nor curtesy. Upon the death of either husband or wife, if there is but one child or lawful issue of one child, both real and personal separate property goes in equal shares to the survivor and the child, or its descendants. If there are more than one child, the survivor takes one-third of the estate. If the decedent leaves neither children nor father or mother, the whole estate goes to the survivor.

Upon the death of either husband or wife one-half of all community property shall go to the survivor, subject to one-half of the community debts, and the other half shall be subject to the testamentary disposi-

tion of the deceased husband or wife, in favor only of his, her or their children or a parent of either, subject also to community debts, provided that not more than one-half of the decedent's half of the community property may be left by will to a parent or parents. In case no disposition by will shall have been made by the deceased husband or wife, of his or her half, it shall go to the survivor, subject to community debts, the family allowance and the expenses of administration.

No administration shall be necessary of the estate of the wife if she die intestate. (Act of Feb. 15, 1911.)

The widow and children are entitled to remain in possession of the homestead, all wearing apparel of the family, all household furniture of the decedent, and are also entitled to a reasonable provision for support, until administration is granted and inventory filed. Upon return of the inventory or at any subsequent time during administration the court may set aside for the use of the surviving husband or wife or their minor children, all property exempt from execution, including the homestead.

If no homestead has been designated and set apart, the court may select one out of decedent's real estate. If the amount set apart is not sufficient for the support of the widow and children during settlement of the estate the court must make other reasonable allowance from the estate. Such allowance must be paid in preference to all other claims except funeral charges and expenses of administration.

If the estate does not exceed fifteen hundred dollars in value after payment of debts, the whole may be as-

signed for the use and support of the family. If the widow has a maintenance from separate property equal to the portion set apart for her, the whole property, except her half of the homestead, must go to the children.

**Guardianship.** The father if living is the guardian of the minor children. If the father is dead, the mother, if suitable, is entitled to guardianship, as long as she remains unmarried. A guardian of the person or property or both, may be appointed by will or deed to take effect upon the death of the parent so appointing, by the father with the written consent of the mother, or by either parent if the other is dead.

**Miscellaneous.** The husband is the head of the family and may choose any reasonable place or mode of living and the wife must conform thereto.

The husband must furnish a reasonable support for his family, but if he is without property and is incapable of supporting himself because of infirmity, the wife must support him.

A married woman may become a sole trader, when authorized by the court after proper application. She may in addition to her own property invest the sum of five hundred dollars derived from the community property or from the separate property of her husband. She may carry on the business specified in her own name and that business and all money invested in it with all profits belong to her, and are not liable for debts of her husband. A married woman who is a sole trader is responsible and liable for the maintenance of her minor children.

The husband of a sole trader is not liable for any debts contracted by her in the course of the business, unless contracted with his written consent.

A homestead to the value of five thousand dollars is exempt from execution. If it is selected from the separate property of the wife it must be with her consent, which must be shown by her making declaration of homestead.

If an unmarried woman is appointed executrix or administratrix, her subsequent marriage terminates her authority. If a married woman is named as executrix in a will she may be appointed and act as if she were unmarried, but she cannot be appointed or act as administratrix.

A woman may execute a valid will at eighteen years of age and a married woman may dispose of all of her separate property by will.

Earnings of a wife and minor children in her custody are her separate property if she is living separate from her husband.

A married woman may sue and be sued alone without being joined with her husband.

**Political Status.** Women were granted full suffrage in 1896 and are eligible to all offices.

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## ILLINOIS

**Marriage.** The legal age for marriage is eighteen for men, and sixteen for women, but consent of parent or guardian is necessary if the parties, or either of them, has not attained majority, which is twenty-one

for men and eighteen for women. Common law marriages are not recognized, but are declared null and void unless parties shall afterwards obtain a license and the marriage is solemnized as provided by law. A license is necessary in all cases. Marriages between first cousins are void.

**Divorce.** A divorce may be granted for any of the following causes: adultery; impotency, bigamy; extreme and repeated cruelty; wilful desertion for two years; conviction of felony or other infamous crime, habitual drunkenness for two years; an attempt upon the life of the complainant by poison or other means showing malice.

Parties divorced cannot marry again within one year from date of the decree, and if this order is evaded by marriage in another state, such marriage is void in Illinois. Parties violating this statute may be imprisoned for one year or more and the marriage will be declared void.

A residence of one year next preceding the filing of the bill is necessary, unless the cause occurred within the state or while one or both of the parties resided in the state. In cases of divorce alimony may be allowed pending the suit, and permanent alimony decreed.

Care and custody of children may be given to either party, and the husband may be ordered to give security for their maintenance and that of the wife. If decree is granted wife because a former wife was living at the time of marriage, alimony may be allowed as in the other cases of divorce, provided such allowance is not inconsistent with the rights of the other wife. The party for whose fault or misconduct the divorce is granted,

loses all right to dower and estate granted by law in real and personal property of the other

A woman who is too poor to pay the expenses of such suit, shall be allowed to prosecute her complaint without costs. The wife may be allowed to resume her former name.

A woman living apart from her husband without her fault may sue for separate maintenance without divorce.

**Property Rights.** March 3, 1845, power was granted married women to will separate property. They were given control of property in 1861, and by an act of March 24, 1869, they were given control of wages

All property of every kind owned by a woman at time of marriage and all which she may acquire afterwards by gift, devise, inheritance or purchase is her separate property, which she may manage or convey as freely as if unmarried, or as freely as her husband can control his property and to the same extent.

Transfers of property between husband and wife must be in writing, acknowledged and recorded, otherwise they are invalid.

A married woman cannot enter into any partnership with a third person unless her husband has given his consent in writing or unless he has abandoned her, or is idiotic, insane or imprisoned.

In case of abandonment of husband or wife by the other for a year or longer, without providing for the support of the family, or if either is idiotic, insane or imprisoned, upon a proper showing of these facts, the court may place his or her property in control of the

other and subject it to payment of debts and support of the family.

Husband or wife may constitute the other his attorney in fact to control and dispose of his or her property for their mutual benefit.

Neither can remove the other or their children from the homestead without the consent of the other, unless the owner of the property shall in good faith provide another homestead suitable to the condition in life of the family.

Neither husband nor wife is liable for the debts of the other incurred before marriage, nor shall the wages, earnings or property of either, nor the rent or income of either be liable for the separate debts of the other.

Courtesy was abolished in 1874. The surviving husband or wife is entitled to a life interest in one-third of all real property of the other owned during marriage, including equitable estates or estates which have been contracted for, and to which the title may be completed, and to one-third of the personal property absolutely.

If there are no children and no will, the survivor may elect to take one-half of the realty absolutely and one-half of the personal property, in lieu of dower and share of personal property after payment of debts. If provision has been made by will the survivor may elect to take such provision or dower and one-third of the personal estate. If there are no children or kindred to inherit, the survivor takes the entire estate both real and personal.

The widow is entitled to certain articles of personal

property known as "the widow's award," consisting of family pictures, wearing apparel, jewels and ornaments of herself and minor children, with a sum of money sufficient to support herself and minor children for one year after death of the husband, in a manner suitable to her condition. In no case is this amount less than five hundred dollars, with two hundred dollars additional for each minor child under eighteen years of age. This allowance shall be paid in quarterly payments at the end of each quarter. The widow may have her award in money or property at its appraised value, to be selected by herself, and this allowance takes precedence over debts or claims of any kind against the estate.

A homestead of the value of one thousand dollars and personal property to the value of four hundred dollars, with wearing apparel, ornaments and household furniture is reserved to the survivor and minor children. The survivor's right to homestead is for life and that of minor children until youngest attains majority. The value of the homestead is to be deducted from the distributive share of the survivor.

**Guardianship.** The guardian of a minor shall have, under the direction of the court, the custody, nurture, and tuition of his ward, and the care and management of his estate, but the parents of the minor, if living, and in the case of the death of either of the parents, the surviving parent, they being respectively competent to transact their own business, and fit persons, shall be entitled to the custody of the person of the minor and the direction of his education. The parents of a minor shall have equal powers, rights and duties

concerning the minor. In case the father and mother live apart, the court may, for good reason, award the custody and education of the minor to either parent or to some other person. The father may appoint a guardian by will, for a child born or likely to be born, but no such appointment shall deprive the mother of the custody and tuition of the child, without her consent, if she is a fit person to have such charge. The mother, if a widow and sane, may appoint a guardian by will.

**Miscellaneous.** A married woman is free to make all kinds of contracts and incur all kinds of liabilities, and the same can be enforced against her as if unmarried. She may sue and be sued and control her own wages and earnings without interference from her husband or his creditors.

She may make a will of all her property except that she cannot deprive her husband of his interest in her real property. Marriage revokes a will previously made.

The wife is entitled to support suitable to her condition in life and the husband has the same right of support from his wife and her property is liable for the same. Failure to support a wife and children under twelve years of age is punishable by fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment in the county jail, house of correction or work house not less than one month nor more than twelve months or by both fine and imprisonment.

All damages for civil injuries may be recovered by a married woman alone.

Neither husband nor wife can recover from the other for labor performed, or services rendered to the other, whether in the management of property or otherwise.

If either obtains possession or control of the property of the other either before or after marriage, the owner of the property can maintain an action to recover the same, as if unmarried.

If the husband deserts his family the wife may prosecute or defend in his name in all cases which he might have prosecuted or defended under like circumstances. The husband has the same right upon desertion by the wife.

**Political Status.** In 1891 women were granted school suffrage, and may vote for school officers, except superintendent of public instruction or county superintendent, and are eligible to any office under the general or special school laws of the state.

"No person shall be debarred from any occupation, profession or employment on account of sex"

Women may practice law and may be appointed notaries public or masters in chancery.

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## INDIANA

**Marriage.** Marriage is a civil contract. The legal age is eighteen for males and sixteen for females. Marriages are prohibited between persons nearer of kin than second cousins and between white persons and those having one-eighth or more of negro blood, and the marriage of those who are idiotic or insane. Consent of parent or guardian is necessary if the man is

under twenty-one or the woman under eighteen. A license is necessary in all cases, but marriages entered into in good faith are valid without any license or formal solemnization.

**Divorce** Grounds for divorce are adultery; impotency, abandonment for two years; cruel and inhuman treatment; habitual drunkenness, conviction after marriage of an infamous crime; failure of the husband to provide for his family for two years.

The defendant is allowed two years within which to open up the decree for just cause, and the parties divorced cannot marry again within that time. A decree will not be granted on default without proof of offense charged. If no defense is offered, the county attorney must appear and defend.

A two years residence within the state and six months in the county is required before commencement of suit.

The custody of children may be awarded to either party or taken from both, and given to another, as may be best for the child, and alimony in gross or in installments may be awarded, and security for its payment required.

If either party was incompetent at time of marriage for want of age or mental capacity such marriage may be declared void by a court having jurisdiction.

The Code of 1908 provides that a wife may sue for support if deserted by her husband and left without means of support, or if he has been convicted of a felony and imprisoned, or when he is an habitual drunkard, or if he joins a religious order which prohibits marriage. The court may award necessary support according to circumstances, and may sell property of

the husband, or allow the wife to sell her lands without his signature.

Marriages prohibited by law on account of relationship, difference of color or where either had a former husband or wife living, if solemnized within the state, are absolutely void without legal proceedings.

**Property Rights.** Married women were given power to will property March 3, 1859, and control of wages May 31, 1879. In 1881 they were authorized to control their own property.

All property owned by a woman at marriage and all acquired by her after marriage, including rents and profits, earnings and wages, constitutes her separate estate. It is free from her husband's control and is not liable for his debts. She may make all manner of contracts and sue and be sued in relation to it, and sell, barter and convey personal property as if unmarried

Her real property cannot be conveyed without her husband's signature, unless he has abandoned her or is in prison or is of unsound mind. Under such circumstances the court may grant her power to convey her real estate alone and to make contracts as freely as if single. She may make leases for a term of years and may mortgage property to secure purchase money.

Dower and curtesy have been abolished by statute and a distributive share of the estate substituted. If husband or wife dies the survivor takes one-third of the real property absolutely, and after payment of debts one-third of the personal property. If there is no will and no child or only one child, the survivor takes one-half of the realty. If either party dies without a will leaving no children, but a parent, three-

fourths of all property goes to the survivor provided that if the whole estate does not exceed one thousand dollars, the whole shall go to the survivor. If there are neither children nor parents, the entire estate both real and personal passes to the surviving husband or wife. When the whole estate exceeds ten thousand dollars, the survivor will take only one-fourth, or one-fifth if it is over twenty thousand dollars, as against creditors.

In all cases the widow is entitled to five hundred dollars in personal property selected by her, or its equivalent in cash, out of the estate without accounting and if the whole estate does not amount to more than this, no fees or expenses of administration need be paid out of it. The widow and minor children may occupy the dwelling house used as a home and forty acres of land, free from rent for one year and she is entitled to products and crops and to exempt personal property to the value of six hundred dollars.

If a widow marries again, she cannot convey real estate which came to her from her first husband, if children of her first husband survive, unless they are of legal age and join in the conveyance. A childless second or subsequent wife, if children of the former wife are living, can take only a life interest in one-third of her husband's real property. When the estate of a man does not exceed five hundred dollars, and it is set off to the widow and she remarries, she may convey land included in such estate, although she may have children alive by her first husband.

Exempt property is not exempt as against claims arising out of the last sickness of the decedent.

**Guardianship.** The father if living, if not the mother, shall have the custody of the person and control of the education of the minor, even though there may be a guardian of the property of such minor. If a guardian has been appointed by will by either parent, the court will give preference to the person so appointed.

**Miscellaneous.** A married woman cannot mortgage her property to secure a debt of her husband or that of any other person.

Contracts directly between husband and wife will be upheld if they are not in fraud of creditors, but a husband cannot be appointed by the wife as agent for the sale of her lands.

A married woman may engage in any business or trade alone and the profits belong to her, and are not liable for claims of her husband's creditors.

A married woman may make a will as if unmarried, but marriage revokes her will if previously made.

A married woman may act as executrix or administratrix with consent of husband in writing. She may give an official bond, but she cannot enter into any contract of surety as endorser, guarantor, or in any other manner.

The wife's right to a distributive share in her husband's property, is not extinguished by judicial sale, unless she is made a party.

The husband is not liable for contracts or wrongful acts of his wife except when the wrongful act is committed in his presence or by his direction, in which case they are jointly liable.

Nor is he liable for ante-nuptial debts of his wife,

except to the extent of the property received from her

No assignment of his wages or salary by a married man, who is the head of a family residing in this state, is valid, or enforceable without the consent of the wife, evidenced by her signature to the assignment, executed and acknowledged before a notary public or officer empowered to take such acknowledgment, and no wage broker, or person connected with him directly or indirectly, shall be authorized to take such acknowledgment.

**Political Status** Women do not vote upon any question in Indiana. They are eligible to any office, the election to which shall be vested in the General Assembly or the appointment to which shall be vested in the Governor. "Any woman twenty-one years of age or upwards and possessing the qualifications prescribed for men are eligible to any office under general or special school laws of the State."

Women may be admitted to practice law, although the Constitution, Art. VII, Sec. 21, provides as follows: "Every person of good moral character *being a voter*, shall be entitled to admission to practice law in all courts of justice"

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## IOWA

**Marriage** Marriage is a civil contract requiring the consent of parties capable of entering into other contracts. Marriages between male persons of sixteen and females of fourteen are valid, but if either party has not attained this age, the marriage is a nullity or

not at the option of such party at any time within six months after attaining the age fixed by law. Consent of parent or guardian is necessary if either is a minor and such consent must be in writing and acknowledged. A license must be obtained before the marriage can be solemnized and unless the clerk issuing the license is acquainted with the age and condition of the parties, he must require the testimony of competent and disinterested witnesses.

The provisions of law relating to the procuring of licenses and to the solemnizing of marriages, are not applicable to members of any particular denomination having as such any peculiar mode of entering the marriage relation, but in such instances the husband is responsible for the return to the clerk.

Marriage between first cousins is prohibited.

**Divorce.** A divorce may be decreed to either party for any of the following causes: adultery, desertion for two years; conviction of felony after the marriage; habitual drunkenness; inhuman treatment, sufficient to endanger life. The husband may obtain a divorce from his wife when, at the time of marriage, she was pregnant by another than her husband, unless such husband had an illegitimate child or children then living, which was unknown to the wife at time of marriage.

Marriages may be annulled, where marriage between the parties is prohibited by law; where either party was impotent at the time of marriage; where either party has a husband or wife living at time of marriage, providing they have not continued to live together as husband and wife after the death of the former hus-

band or wife; where either party was insane or idiotic at the time of the marriage.

In actions for divorce or for annulment of marriage the court may order either party to pay the clerk of the court a sum of money for the separate support and maintenance of the adverse party and the children, and to enable such party to prosecute or defend the action, and the court has power to provide for the custody and maintenance of the children pending the suit, as may be for their best interest.

Upon final decree the court has full power over the questions of permanent alimony and custody of children, and the age, condition, sex and pecuniary condition of the parties will be considered, and all other circumstances connected with the matter, in determining the amount of alimony and to whom custody of children shall be awarded. If neither parent is a proper person to care for the children, the custody may be taken from both and given to a guardian.

Only in rare cases and under peculiar circumstances will alimony be granted to the party in fault. If a wife has been compelled to leave her husband on account of misconduct on his part justifying the separation, she may bring suit for alimony without divorce. An order for either temporary or permanent alimony is a lien upon the property of the party against whom it is directed, including the homestead, and the party may also be restrained from disposing of his or her property.

The court retains jurisdiction and may modify or change the decree in relation to alimony and custody of children as may seem just and proper and for the

best interests of all parties. When a divorce is decreed the guilty party forfeits all rights acquired by marriage, and neither has any interest in the property of the other except that which is granted by the decree.

Marriages between divorced persons are prohibited for one year after the decree, unless permission is granted by the court.

**Property Rights.** When Iowa was still a territory in 1840, power was conferred on married women to release dower and to convey real estate by any conveyance executed jointly by husband and wife and acknowledged by the wife by a separate examination and acknowledgment.

This law was re-enacted in 1846 and was the first law passed in the state of Iowa for the better protection of married women. This remained the law until 1851 when an act was passed by which she might convey her interest in real estate "the same as any other person." In 1873 married women were given control of property and wages and power to will the same.

A married woman may own in her own right, real and personal property acquired by descent, gift or purchase, and manage, sell, convey and devise the same by will to the same extent and in the same manner that the husband can property belonging to him. When property is owned by the husband or wife, the other has no interest therein which can be the subject of contract between them, nor such interest as will make the same liable for the contracts or liabilities of the other.

Should the husband or wife obtain possession or

control of property belonging to the other before or after marriage, the owner of the property may maintain an action therefor, or for any right growing out of the same, in the same manner and to the same extent as if they were unmarried. A conveyance, transfer or lien, executed by either husband or wife to or in favor of the other, is valid to the same extent as between other persons.

Neither husband nor wife is liable for the debts or liabilities of the other contracted before marriage nor are they liable for the separate debts of each other incurred after marriage, nor are the wages, earnings, or property of either, nor the rent or income of such property liable for the separate debts of the other.

The expenses of the family and the education of the children are chargeable upon the property of both husband and wife or either of them, and in relation thereto they may be sued jointly or separately.

Husband and wife must join in all conveyances of the real property of either, including the homestead. The homestead may be willed by the owner, subject to the right of occupancy by the survivor, but a mortgage on the homestead executed by the husband alone while the wife is living is not binding on him even after the death of the wife.

If husband or wife abandons the other and leaves the state and is absent for one year or is confined in jail or the penitentiary for one year or more, upon a petition showing facts, the court may authorize the other party to manage, control, sell or encumber the property of husband or wife for the support and maintenance of the family and for the purpose of paying

debts. A wife who is abandoned by her husband without her fault may pledge his credit for necessaries.

Dower and courtesy are abolished. Upon the death of either husband or wife, the survivor is entitled to an equal share in the estate of the other. After payment of debts, one-third of both personal and real property goes absolutely to the surviving husband or wife, if there is a child or children. If there are no children the survivor takes half of the whole estate. If there are neither children, parents or other heirs, the entire estate passes to the survivor.

The surviving husband or wife is entitled to the homestead consisting of forty acres of land or not more than one acre in a city or town not exceeding five hundred dollars in value in either case, and to all personal property, which in the hands of the head of the family is exempt from execution, and the survivor retains the homestead right even though he or she marries again.

The widow and minor children under fifteen years of age are also entitled to an allowance from the estate of the husband, sufficient to support them for twelve months from the time of his death. This allowance takes priority over other claims and should be paid immediately. If the widow and children have no other means of support, this allowance may be made though the estate is insolvent.

The proceeds of any policy of insurance, to the value of five thousand dollars, is exempt to the husband or wife and children of the decedent. If there are no children the whole amount goes to the surviving husband or wife.

If provision is made for either in the will of the other, unless it is expressly stated that such provision is in lieu of the distributive share allowed by law, it will be held to be in addition to such share. If stated that it is in lieu of the distributive share, the survivor may elect between such provision and the share allowed by statute.

**Guardianship.** The parents are the natural guardians of their minor children and are equally entitled to the care and custody of them. Either parent dying before the other the survivor becomes the guardian.

**Miscellaneous.** A husband is not liable for civil injuries committed by his wife, except in cases where he would be jointly responsible with her if a marriage did not exist.

A wife may receive the wages of her personal labor and maintain an action therefor in her own name and hold the same in her own right, she may prosecute and defend all actions at law or in equity for the preservation and protection of her rights and property as if unmarried.

She may bring actions for injuries to herself whether of person, property or reputation as if she were unmarried and for injuries by negligence or wrongful act of another she may recover for loss of time, medical attendance and other expenses incurred as a result of such injuries, in addition to any elements of damages, recoverable by common law. If injuries result in death her administrator may sue and recover for her estate the value of her services as a wife and mother in addition to other damages, and punitive damages may also be allowed, but in no event must the total amount

exceed six thousand dollars (Act of April 3, 1911)

Although either husband or wife may maintain an action against the other for the recovery of property, neither has a right of action for damages sustained by the infliction of personal injury by the other, and this is true, even though the one inflicting the injury has been criminally convicted and fined for the assault

A married woman may act as an executrix, or administratrix without consent of the husband.

The age of majority for men is twenty-one and for women eighteen, but all minors become of age at marriage.

Any person of full age and of sound mind may dispose by will of his or her property, but neither husband nor wife can deprive the other of the distributive share in his or her estate by will, unless by consent of the other, nor can any person devise more than one-fourth of his or her estate to a corporation if a spouse, child or parent survive the testator.

A married woman may in all cases sue and be sued without joining her husband with her, and in such action any judgment rendered may be recovered by or against her as if she were unmarried

When a husband has deserted his family, the wife may prosecute or defend in his name any action which he might have prosecuted or defended and has the same powers and rights therein as he might have had, and the husband shall have the same right upon the desertion of the wife

Neither husband nor wife can be a witness against the other, except in a criminal prosecution for a crime

committed against the other, or in a civil action one against the other, or in a civil action by one against a third party for alienating the affections of the other, but they may in all cases be witnesses for each other. In prosecutions for adultery or bigamy, husband or wife is a competent witness.

Desertion or the wilful neglect to provide for a wife and family is punishable by imprisonment in jail or penitentiary. Husband or wife is a competent witness in such cases, if willing to testify.

The husband is the head of the family, and household furniture, pictures, and all similar property used in the house occupied by husband or wife, is considered as being in the possession of the husband and under his control. Such property can be sold or mortgaged by the husband without the consent of the wife, unless it is exempt property, which cannot be sold or encumbered unless husband and wife join in the conveyance or mortgage.

Neither husband nor wife can remove the other, nor their children from the homestead, without his or her consent.

A married man cannot make any sale or assignment of his wages whether such wages are exempt or not, unless such assignment is written and is also signed and acknowledged by the wife.

A husband or wife may constitute the other his or her attorney in fact to control or dispose of his or her property for their mutual benefit.

**Political Status** In 1894 women were given authority to vote at any election held for the purpose of

issuing any bonds for municipal or school purposes or for the purpose of borrowing money or for increasing the tax levy.

Women are eligible to the office of county recorder and to all school offices in the state including those of county superintendent of schools and school director. They may also be members of boards of education and may be appointed notaries public and admitted to practice law.

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## KANSAS

**Marriage.** Marriage is a civil contract. The ceremony may be regarded as a civil ceremony or as a religious sacrament. Common law marriages are valid, but the parties may be punished for not observing the requirements of the law. A license must be procured. A legal marriage may be contracted if the man is seventeen and the woman is fifteen years of age. Consent of parent or guardian is necessary if the parties have not attained majority. Marriages of persons under forty-five years of age, who are epileptic, feeble minded or affected with insanity, are prohibited.

**Divorce** An absolute divorce may be granted for any of the following causes: adultery; bigamy; abandonment for one year; extreme cruelty; fraud in the marriage contract, habitual drunkenness, conviction of felony; gross neglect of duty, pregnancy of wife at time of marriage unknown to the husband.

A residence of one year next preceding the filing of the petition is required. The court has discretionary power regarding alimony and the custody of children.

and may award both to the wife if circumstances justify such order. The decree may be reversed or changed at any time within six months for reasonable cause and the parties cannot marry again during that time. If either violates this law a charge of bigamy may be sustained against the offender. Either party in divorce proceedings is a competent witness but the evidence must be corroborated.

A marriage may be annulled if either party is incapable for want of age or understanding.

**Property Rights** The first constitution of the state of Kansas contains the following provision: "The legislature shall provide for the protection of the rights of women in acquiring and possessing property real, personal, or mixed, separate and apart from the husband, and shall also provide for their equal rights in the possession of their children." This constitution was approved and adopted by the people of Kansas in 1859 and Kansas was admitted into the Union as a state in 1861, and seven years later, October 31, 1868, married women were given control of property, power to will one-half of it or all of it with the husband's consent, and control of wages.

All property owned by a woman at time of marriage and all acquired afterward by devise, inheritance or gift from any person except the husband, including all rents and profits and wages or earnings from her personal labor or business, constitutes the wife's separate property. It is free from control of her husband and liability for his debts but it is liable for her own debts whether incurred before or after marriage.

She may bargain, sell, convey or encumber her prop-

erty or contract in reference to it as freely as if unmarried, and to the same extent as a married man may in relation to his property. She may enter into any trade or business relations alone or with other parties as if unmarried, and may sue and be sued alone in relation to her own business or separate property. Neither husband nor wife can deprive the other of more than half of his or her property by will unless consent of the other is given in writing executed in the presence of two reliable witnesses.

Dower and courtesy were abolished in 1868. Upon the death of either husband or wife one-half of all the real estate owned by the decedent during marriage which has not been conveyed or sold at judicial sale and one-half of the personal property after payment of all just debts goes to the surviving husband or wife absolutely. If there are no children the entire estate after payment of debts goes to the survivor.

A homestead consisting of one hundred and sixty acres of land or one acre within the limits of a city or town, is exempt from debts and is reserved for the use and occupancy of the survivor. If the widow marries again or when all the children have attained majority, the homestead may be divided and the widow will then be entitled to one-half and the other half will go to the children. If the wife dies first the second husband has the right of occupancy during life, but the homestead descends to the heirs of the wife. In addition to her portion of her husband's estate the widow is allowed to keep absolutely for the use of herself and children all household furniture and all of

the property which was exempt to the husband at time of death

**Guardianship.** The father and mother are the natural guardians of their minor children. If either dies or is incapable of acting the natural guardianship devolves on the other. The father, or in case of his death, absence or incapacity, the mother may be appointed guardian of a minor child if deemed suitable by the court. The surviving parent may appoint a guardian by will.

**Miscellaneous** Women are of age at eighteen, men at twenty-one. Any person of full age and sound mind may make a will, but married persons can dispose of only one-half of their property to any other person than husband or wife. The marriage of a man or woman revokes a will previously made by either.

If provision has been made for either husband or wife by the will of the other, he or she may elect to take such provision or under the statute.

The husband is required to furnish a reasonable support for his wife and family according to his means. If he fails to do this, the wife may sue for alimony though no cause for divorce exists. In certain cases she may sue directly for support.

**Political Status.** Women were given school suffrage in 1861. In 1887 they were given municipal suffrage, and in 1903 were authorized to vote on the issuance of bonds. November 5, 1912, an amendment to the constitution conferred full suffrage. They have been eligible to all school and city offices and to all other offices from which they were not expressly

excluded, and are now probably eligible to all public offices They may be admitted to practice law and may be notaries public

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## KENTUCKY

**Marriage** The legal age for marriage is fourteen for males and twelve for females, as at common law. Consent of parent or guardian is necessary if either party is under twenty-one A license is necessary and marriage must be solemnized in the presence of some authorized person or society Marriages may be declared void if consent was obtained by force or fraud or at the instance of any next friend without consent of parent or guardian, if the man was under sixteen and the woman under fourteen.

If any female under sixteen years of age, marries without the consent of father or guardian, or mother, if there is no father or guardian, or if he is absent from the state, her estate may be placed in the hands of a receiver who, after deducting a reasonable compensation, shall pay the rents and profit to her for her separate use and benefit during her infancy, under direction of the court When the wife shall have arrived at the age of twenty-one the estate may be delivered to her unless the court shall consider it for her benefit to continue the same in the hands of the receiver

A marriage valid where contracted is valid here

**Divorce.** A divorce may be granted to either party for the following causes: adultery; impotence; aban-

donment for one year, conviction for felony in or out of the state; duress, force or fraud in the marriage; concealment of a loathsome disease at time of marriage or contracted afterwards; uniting with any religious society which prohibits marriage. Divorce may be granted the wife for habitual drunkenness of the husband for one year and wasting his estate and not providing maintenance for wife and children; such habitual cruel and inhuman treatment for six months, as indicates a settled aversion and tends to destroy permanently her peace and happiness; such beating and injury as indicates an outrageous and ungovernable temper, and endangers her life. Divorce may be granted the husband for pregnancy of the wife at time of marriage unknown to the husband, for such lewd behavior as proves the wife to be unchaste "without actual proof of adultery" and when the husband is not guilty of similar conduct; habitual drunkenness for one year.

The plaintiff must have been a resident of the state one year, and if the cause occurred outside the state, the plaintiff must have resided in Kentucky at the time of its occurrence, unless it was a cause for divorce where it did occur. An action for divorce must be begun within five years from the time of the offense.

A person can only be divorced once except for adultery. Either party may marry again. The court may decree alimony and give minor children to either party as seems best for the interests of the child and may change the name of the wife. If husband or wife is convicted of adultery, he or she forfeits all estate in

lands of the other. A husband convicted of bigamy forfeits one-third of his estate, both real and personal to his first or legal wife.

A legal separation may be granted by the court for any cause which would justify divorce or which is deemed sufficient by the court, and a wife so separated has all the rights of an unmarried woman, except that she may not marry again.

A wife may testify against her husband in actions for divorce on the ground of cruelty or inhuman treatment, or such cruel beating or injury of the wife as indicates an outrageous temper or probable danger to her life from remaining with him.

**Property Rights.** April 11, 1873, married women were given control of wages, and March 15, 1894, they were authorized to control their separate property and given power to will it.

All property both real and personal owned by a woman at time of marriage, or acquired afterwards is her separate estate. She "may take, acquire and hold property real and personal by devise or descent or by purchase, and she may in her own name sell and dispose of her personal property." She may hold and own this separate estate to her separate and exclusive use and benefit.

The husband during the life of the wife has no interest or estate in such property, and it is free from his control, liabilities and debts. Her estate is liable for her separate debts, contracted before or after marriage, and her husband is not liable for her debts, except to the value of property he may receive from her or by virtue of the marriage. She may rent or

lease her real estate and receive, collect and recover in her own name, the rentals thereof, but her husband must join in all conveyances of real property, except in case of his insanity or imprisonment, or if he has abandoned her, when the court may empower the wife to convey or encumber her real property freed from any claim of her husband.

A married woman cannot contract or bind her property for the debt, default or wrongful doing of another person including her husband, unless such property shall have been set apart for this purpose by deed, mortgage or other conveyance. A gift, transfer or assignment of personal property, between husband and wife is not valid as to third persons, unless it is in writing, acknowledged and recorded.

Dower and curtesy have been abolished and the interest of husband or wife in the estate of the other is equal. The survivor takes a life interest in one-third of all real estate owned by the decedent during marriage, unless the right to such interest has been barred, forfeited or relinquished. One-half of the personal estate after payment of debts goes to the survivor absolutely. If there are no children or kindred, the entire estate goes to the survivor.

The widow is entitled to one-third of the rents and profits of her husband's real estate from time of his death until dower is assigned.

The surviving husband or wife and minor children are entitled to the use of a homestead not exceeding one thousand dollars in value as long as they occupy it, or until the youngest child is twenty-one years of age. The homestead may be sold to satisfy debts of

the husband, subject to right of occupancy of survivor and minor children.

If the husband dies without a will, personal property to the value of seven hundred and fifty dollars shall be exempt from distribution and sale, and shall be set aside to the wife and minor children, or if there is no widow, for the minor children. The widow may select this property and is entitled to the allowance even though she renounces the provisions of the will.

If either dies without a will any property received from the parents of the deceased, as a gift, is returned to that parent if living.

**Guardianship.** The father and mother shall have the joint custody, nurture and education of their infant child or children and in the event of the death of either one of the parents, father or mother, the survivor if suited to the trust, shall have the custody, nurture and education of such infant child or children, and may by will appoint a guardian to his or her infant child or children during minority or for any less period, and may appoint the guardianship of the infant's estate to one and the custody, nurture and education of the infant to another, but the father shall be primarily liable for the nurture and education of his infant child or children.

In appointing a guardian, the court shall pay proper attention to the following order of precedent in writing and not depart therefrom unless it deems that prudence and the interest of the infant so require.

First: The father or mother or one most suitable to the trust.

Second: If either the father or mother be dead,

then the surviving parent if deemed suitable for the trust

Third If both father and mother be dead, then the testamentary guardian

Fourth: The next of kin (Ky Acts, 1910, P. 90 )

**Miscellaneous.** The husband is liable for necessaries for maintenance and support of wife and family according to his condition in life, but if he is without property, except his wages, there is no law to compel him to do this, or to punish him for non-support.

Every person of sound mind and twenty-one years of age or over may make a will. Marriage revokes the will of either husband or wife, if made previously.

A married woman may contract and sue and be sued, as if single.

She may not act as executrix or administratrix and if appointed while single her subsequent marriage terminates such appointment.

**Political Status** In 1838 widows with children of school age were given the right to vote at school elections. This was a very limited right. The law provided that at elections for trustees of common school districts "the qualified voters of the district shall be the electors; and any widow having a child between six and twenty years of age, and any widow or spinster having a ward between the ages of six and twenty years, may also vote." In elections, on questions of taxation in common school districts, "A woman or spinster residing in any school district who was a tax payer or who had children within the ages fixed by common school law, to be educated," should be deemed a qualified voter.

March 12, 1912, the following law was approved: "All women possessing the legal qualifications required of male voters in any common school election, and who in addition are able to read and write, shall be qualified and entitled to vote at all elections for school trustees and other school officers required to be elected by the people, and upon all school measures or questions submitted to a vote of the people, and all women possessing the legal qualifications required as to males shall be eligible to hold any school office, or office pertaining to the management of schools "

Women may be attorneys at law and by decision of the Supreme Court may be appointed notaries public, even though married.

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### LOUISIANA

**Marriage.** Marriage is regarded solely as a civil contract. Males who are fourteen or over and females who are twelve years of age, may legally consent to marriage, if under no disability which might prevent them from making any other contract. If either party is under twenty-one the consent of parent or guardian is necessary, and parents may disinherit any child who marries without consent before attaining majority

A license must be procured in the parish where one of the parties resides. The officers whose duty it is to issue the license, must require an affidavit of one of the parties that there is no legal impediment to the marriage, and the prospective husband must furnish a bond conditioned that no legal impediment exists. The bond

is binding for a period of two years. There must be three witnesses to the marriage, who are of full age

A magistrate who marries parties under the legal age of consent will be removed from office and any minister of the gospel who performs the ceremony in such case, shall be deprived forever of the right of celebrating marriages

Marriages are prohibited between parties who are within certain near degrees of relationship by consanguinity or affinity including first cousins. Marriage is also prohibited between white persons and negroes to the third generation, and all such marriages are void.

**Divorce.** A divorce may be granted for any of the following causes. adultery, condemnation to ignominious punishment for crime, habitual intemperance, cruel treatment or outrages one towards the other if such treatment renders living together insupportable; public defamation of one by the other, abandonment for five years, if he or she has been requested to return within one year prior to the application for divorce; an attempt by one of the married persons against the life of the other, when husband or wife has been charged with an infamous crime and has fled from justice

The only causes for absolute and immediate divorce are adultery and sentence for infamous crime. In other cases a legal separation may be decreed, and if the parties are not reconciled within a year, a decree of absolute divorce may then be entered by the court granting the separation.

If the defendant is absent or incapable of acting, an

attorney must be appointed to represent him. When a divorce is granted for adultery, the guilty party cannot marry his or her accomplice, and if this law is violated the parties will be subject to the penalty for bigamy, and the marriage declared void.

Alimony may be allowed the wife, not to exceed one-third of her husband's property. The community property will be divided equally and each will receive back all the separate property brought into the marriage, except what may be awarded the wife as alimony.

From the time the action for divorce or separation is commenced, the husband cannot contract a debt on account of the community property, nor dispose of any of it in any way.

The decree for alimony given the wife may be revoked at any time if it should become unnecessary or if she should marry again. The custody of children, while suit is pending, must be given to the mother, whether plaintiff or defendant, unless there is strong reason to deprive her of it. In all cases of divorce the children shall be given to the party who obtained the divorce.

A wife cannot contract a second marriage until ten months after dissolution of the previous marriage.

Marriages may be annulled for non-age, lack of consent, or when former husband or wife is living, but absence for ten years unheard from justifies a second marriage.

**Property Rights.** Married women were given power to will property in 1889. The community system prevails.

All property owned by either husband or wife at

time of marriage and all acquired after marriage by gift, devise, bequest or inheritance is the separate property of each. All acquired in any other way after marriage, including earnings and wages of both is community property.

By marriage settlement prior to the marriage the wife's separate property may be, and generally is divided, and a certain portion agreed upon as the dowry which the wife brings to the marriage, and which is given into possession and control of the husband during the marriage, and other separate property which she may retain and over which her husband has no control. This is known as "paraphernal property" The dowry cannot be changed during marriage nor can it be increased

All other separate property coming to the wife after marriage, belongs absolutely to her, and is under her control The wife remains the owner of the dowry, but the husband controls it and is entitled to the income or proceeds to help him support the charges of the marriage, such as the maintenance of the wife and her children and other expenses which the husband deems proper.

Neither husband nor wife can convey or encumber the dowry or any part of it during the marriage, except by mutual consent for the establishment of their children If this estate of the wife is not managed properly or if her husband wastes it, and she fears it may be lost, she may petition the court for a separation of property. If, after showing of facts, this is granted, she becomes responsible for her proportion of the family expenses and education of the children, and

has control of her separate estate, and may dispose of personal property, but she cannot convey real property without consent of her husband

The wife has the absolute right to control and manage her paraphernal property, or all of her personal estate which was not secured to the husband as the wife's dowry by marriage settlement. If the wife does not manage it, it is considered to be under the management of the husband, and all profits from such property belong to the community, and this is so whether it is managed by the husband separately, or by both husband and wife.

If the husband manages the paraphernal property in opposition to his wife's wishes, he is accountable to her for all increase and profits.

If there is no dowry and all the separate property of the wife is paraphernal, she is expected to bear a certain portion of the family expenses equal to one-half of her income. If her husband has no property or means she may be compelled to bear the entire expenses of the support of the family and education of the children alone. The wife cannot convey or mortgage her separate property without consent of her husband, nor bind it or herself for her husband's debts, nor for the benefit of community property, but she may dispose of it by will.

Damages resulting from personal injuries to the wife belong to her and are her separate property and are recoverable by her alone.

Every marriage is considered a partnership and all community property belongs equally to the husband and wife. The husband has control and management

of this property during the continuance of the marriage. He may dispose of all revenues from community property as he pleases, but he cannot by conveyance, will or in any other manner, deprive his wife of her share without her consent. Husband and wife may agree, in writing, that there shall be no community property, and in case of such agreement, each controls and manages the separate property belonging to him or her absolutely, and is entitled to the income from it.

There is neither courtesy nor dower. Upon the death of either husband or wife, his or her separate estate goes to children in equal shares. If there are no children, it goes to parents or other heirs.

The survivor takes one-half of the community property absolutely and one-half of any profits of the separate estate which may have been brought into the marriage, if the separate estate has been managed by the husband, or by husband and wife conjointly. Increase or profits of paraphernal property which the wife reserved to herself, are not thus divided, but belong to her heirs.

If the decedent has not made any disposition of his or her half of the community property by will, this half will go to children, or to parents or grandparents. If there are no such heirs, the surviving husband or wife will take all the community property after payment of community debts.

If, at the time of marriage, one party had no property or only a very small amount, or if either party is rich at time of death, and the other poor, the survivor may take one-fourth of the estate absolutely, if there are no children. If there are not more than three

children this portion may be taken only for life. If there are more than three children, the survivor may take a life interest in a share equal to a child's portion. This is known as the "marital portion." If any provision has been made for the survivor by will, it must be included in the "marital portion."

A man or woman who contracts a second or subsequent marriage, having children by a former one, can give to a wife or husband, either by gift or last will and testament, only one-third of his or her property absolutely or for life.

If a person marries again who has children of a preceding marriage, he or she cannot in any way dispose of the property given or bequeathed to him or her by a deceased spouse, or which came to him or her from a brother or sister of the children which remain. This property, because of the marriage, becomes the property of the children by the former marriage and the husband or wife who marries again has the use of it only.

The widow has a right to take her clothes and linen without any formality, and during the delays which are granted by law before settlement of the estate, to have her residence free of rent and a maintenance for herself and household, including servants, out of the estate. If she and her minor children are left in necessitous circumstances they may demand and are entitled to receive one thousand dollars from the estate, which must be paid in preference to all other claims or debts, except for purchase money or expenses in selling property. If the widow has some separate property she can

only claim a sum which will, with her own property, amount to one thousand dollars. This allowance belongs to her for life, and then goes to her children.

**Guardianship.** The father is guardian of his minor child or children. The mother becomes guardian on the death of the father. She may appoint a guardian by will, but if she marries again, her husband becomes co-guardian with her and she loses the right to appoint any other guardian by will. In case of difference between the parents the authority of the father prevails.

**Miscellaneous.** A husband is required to furnish his wife and family with the comforts and conveniences of life according to his circumstances and condition in life.

Desertion of wife or minor children may be punished by fine or imprisonment or both. If a fine is imposed any amount recovered may be paid in full or in part, as the court may direct, to the wife, for the support of herself and children.

A married woman may carry on a separate business and may make all manner of contracts with reference to it, and obligate herself in relation to it without authority of her husband. She may make any contract by his authority but his authority is presumed if he permits her to trade in her own name or if the contracts are for necessaries.

Widows and unmarried women may bind themselves as sureties or endorsers for other persons in the same manner and with the same validity as men who are of full age.

Husband or wife cannot be witness for or against each other, except when joined as parties having a separate interest.

A married woman cannot sue without consent of her husband, or by authority of the court, if the husband refuses his consent. In case of divorce or separation or where a separation of property is required, the wife may sue without being specially authorized to do so.

A married woman cannot act as administratrix. She may act as executrix only with her husband's consent.

Since 1894 women have had the privilege of taking stock in building and loan associations, and may withdraw the value of the same and sell and transfer the stock without being authorized to do so by the husband.

Since 1896 they have had the privilege of depositing money in a bank and checking upon it, without authority of the husband.

**Political Status.** In 1898 women who are tax payers were given the privilege of voting at any municipal or other political sub-division election, in person or by agents authorized in writing, upon all questions submitted to a vote of the tax payers.

Women over twenty-one years of age are eligible to any office of control or management under the school laws of the state.

They cannot be admitted to practice law nor can they be notaries public.

The law is very explicit, stating as follows: "Men are capable of all kinds of engagements and functions unless disqualified by reasons and causes applying to particular individuals. Women cannot be appointed

to any public office nor perform any civil functions except those which the law expressly declares them capable of exercising."

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## MAINE

**Marriage.** Residents of the state who desire to marry must cause notice of their intention to marry to be recorded in the office of the clerk of the town where each resides at least five days before a license or certificate can be granted. If only one party is a resident, the notice of intention must be recorded where that party resides. Non-residents may record their intention and upon request the clerk may issue the certificate the same day. Consent of parent or guardian must be procured if the man is under twenty-one or the woman is under eighteen.

**Divorce.** A divorce may be granted for any of the following causes: adultery; impotency; extreme cruelty, desertion continued for three consecutive years, intoxication from the use of intoxicating liquors, opium or other drugs, insanity when either party has been in a state asylum for fifteen years and is incurable. In favor of the wife, when the husband grossly and wantonly refuses to provide a proper maintenance for her, being of sufficient ability to do so. The marriage must have occurred within the state, or the parties lived here after marriage, or the plaintiff must have been a resident when cause for divorce occurred, or have been a bona fide resident one year before beginning action, or the defendant must be a resident of the state.

Marriage within prohibited degrees of relationship or with an insane person or idiot, or if former husband or wife is living are void from the beginning, and require no legal process for annulment. Sentence to imprisonment for life and confinement under it, dissolves the marriage without legal process

The court has discretionary power as to all matters pertaining to alimony or division of property or custody and care of children.

When divorce is decreed for impotence of the husband the wife's real property shall be restored to her and the court may enter judgment against him for so much of her personal estate as came to him by the marriage.

When divorce is decreed the wife for fault of the husband for any cause, she shall be entitled to one-third in common and undivided of his real estate except wild land, which shall descend to her as if he were dead, and the same right to restoration of her own real and personal estate as if for impotence. The court may also decree her reasonable alimony out of his estate, having regard to his ability, and may order so much of his real estate, or the rents and profits thereof, as is necessary, to be assigned to her for life or may decree a specific sum to be paid

If the decree of divorce is in favor of the husband for fault of the wife, he is entitled to the same interest in the property of the wife, both real and personal, except that he will not be entitled to alimony.

Except as above provided, neither has any interest in the estate of the other after divorce.

**Property Rights.** Married women were authorized

to control separate property March 22, 1844. The Code of 1887 gave them power to will property and to control wages.

A married woman's separate property consists of all owned at time of marriage, and all acquired afterwards in any way, including any conveyed to her directly by her husband. She may control this property, and sell, or encumber it without consent or signature of her husband, except that he must join in conveyance of the property which he may have conveyed to her.

The wife and her separate estate are alone liable for her debts contracted before marriage, and for separate debts incurred after marriage. She is liable in all such cases, and for all civil injuries committed by her, and suits may be maintained against her, and her property may be taken on execution, for debts or damages, as if she were unmarried.

She may receive the wages of her personal labor, not performed for her family, and the profits from separate business and may maintain an action for the recovery of such wages, and may sue and be sued and contract in relation to her separate property or business as if single, but she cannot sue her husband during marriage. Her estate is not liable for the debts of her husband. If her husband deserts her and leaves the state, the court may authorize her to receive and use his personal estate.

Dower and courtesy were abolished by statute March 26, 1895. Upon the death of either husband or wife, the survivor has the same and equal right and interest in the estate of the other. If there are living children, the surviving husband or wife takes one-third of the

entire estate, both real and personal. If there are no children, one-half of the estate goes to the survivor. If there are no children or other heirs, the survivor is entitled to the whole of the estate after payment of debts.

If the deceased husband or wife has made provision for the other by will, the survivor may, within six months, elect whether he or she will accept the provision of the will or take the share provided by statute. The survivor and minor children may occupy the homestead, not exceeding eight hundred dollars in value, during life or until the youngest child has reached majority. The survivor is entitled to an allowance out of the estate sufficient for support for ninety days or during litigation if any, and also to all wearing apparel and ornaments with other exempt personal property. Life insurance less premiums paid for three years is exempt from claims against the estate, and descends, one-third to the widow and two-thirds to child or children. If there are no children, it all goes to the widow.

**Guardianship.** Father and mother have equal rights to the guardianship, care and custody of their minor children, and a widowed mother has the same right to the custody and earnings of minor children as a father has.

**Miscellaneous.** A husband living apart from his wife may be compelled to support her and the minor children.

If husband and father fails to support his wife and children, the proper court may order a reasonable support to be paid weekly, monthly or quarterly, and may

make all necessary orders to compel obedience to such orders.

Women possessing the necessary requirements may be appointed by the governor to solemnize marriages. When so appointed they have the same rights and obligations as justices of the peace in the matter of performing marriages.

A married woman may be appointed guardian without consent of her husband, and if an unmarried woman, who is a guardian, marries, her authority is not extinguished and she may continue to perform all the duties of such trust without consent of her husband. Women also may act as executrix or administratrix and subsequent marriage does not extinguish such authority.

Women may be appointed by the governor to solemnize marriages, administer oaths and take acknowledgment of deeds and such appointment authorizes them to act within every county of the state and continues for seven years.

Upon recommendation of any judge of the supreme court, the governor may appoint competent stenographers of either sex to take depositions in all cases, who shall hold office for four years.

**Political Status.** Women have no suffrage in this state. They are not eligible to elective offices, but may be members of school committees and can be admitted to practice law, but may not be appointed notaries public.

## MARYLAND

**Marriage.** The age at which a legal marriage may be contracted in this state is twenty-one for males and sixteen for females. If either is a minor, consent of parent or guardian must be given in writing attested by two witnesses. A license must be obtained from the clerk of the county where the marriage is to take place, or in Baltimore, from the clerk of the Court of Common Pleas.

If the license is not procured the names of the parties intending marriage must be published three times on three successive Sundays in some church or house of religious worship in the county where the woman resides, by some minister residing in said county.

Marriages between white persons and negroes to the third generation are prohibited and void. Marriages according to Quaker custom are valid.

**Divorce.** An absolute divorce may be granted for any of the following causes: adultery, impotency at time of marriage; any cause which renders the marriage void from the beginning; deliberate abandonment for three years, unchastity of the wife unknown to the husband. The guilty party may be prohibited from marrying again.

Legal separations may be decreed for cruel treatment; excessively vicious treatment, abandonment and desertion. The separation may be absolute or for a limited time, and the decree may be revoked. The plaintiff must have resided in the state two years. In granting a decree of divorce or separation the court

may award to the wife such estate as she had when married or its value, or of such part as the husband may have sold, and may decree which party shall have the guardianship and custody of children and be charged with their support. A wife may sue for alimony without divorce.

Marriages may be declared void for bigamy or if parties were within the prohibited degrees of relationship.

**Property Rights.** Married women were given control of wages by act of May 13, 1882 June 12, 1882, they were given control of property and power to will it.

The separate estate of a married woman consists of all property of every kind, owned at the time of marriage and all acquired afterwards by purchase, gift, devise, bequest, descent or by her own skill or labor or in any other manner, except from her husband. She has control of this property, and may manage, sell or convey it as freely as if unmarried, except that her husband must join in all conveyances of her real estate to give valid title to all of it. If she is under eighteen years of age, the husband must join in any sale, conveyance or other disposition of all property.

She may engage in any separate business and may contract and sue and be sued with reference to it and her separate property as freely as if unmarried.

Her property is not liable for debts of her husband but it is liable for all of her own debts whether incurred before or after marriage.

She may contract with her husband or may form a

partnership with him or with any other person as if single and in all such contracts, partnership or otherwise, she may sue and be sued as freely as if unmarried.

She may will all of her property without her husband's consent

Husband and wife may relinquish all interest in the real estate of the other by joint deed or by separate deed executed personally, or by an agent or attorney appointed by written power of attorney executed jointly by both husband and wife. Neither can deprive the other by separate deed or by will of his or her interest in the property of the other.

If either husband or wife has been found to be insane, or has been absent and unheard of for seven years, the husband or wife of such person may convey by separate deed as fully as if he or she were unmarried, any real estate which may have been acquired during such mental disability or absence.

Dower prevails as at common law, and the husband has the same interest in the real property of the wife which is also known as his dower interest. Upon the death of either husband or wife, if there are children or their descendants, the survivor takes a life interest in one-third of the real property of the deceased and one-third of the personal property absolutely. If there are no children the survivor is entitled to a life interest in one-third of the realty and one-half of the personal estate absolutely. If there are no children or other heirs entitled to inherit, the survivor takes the whole estate.

The wearing apparel and the provisions on hand for family use are exempt to the family, but nothing else

Wearing apparel of the decedent goes to children or grand children, if there are no children or grand children, then it goes to the wife.

**Guardianship.** The father is guardian of minor children and may appoint a guardian by will. The mother is guardian only if the father is dead and has not appointed a guardian by will. In such case the mother may appoint a guardian by will and it will be valid, if she is competent to execute a will.

**Miscellaneous.** The husband must furnish a reasonable support for his wife and children, and he is liable for contracts made by her for necessaries as at common law. By a law enacted March 23, 1896, non-support was made a misdemeanor, punishable by fine or imprisonment or by both in the discretion of the court.

The husband is not liable for his wife's debts contracted before marriage, but he is liable for all debts incurred by her for necessaries for use and benefit of herself and family.

Men are of age at twenty-one and women at eighteen

Males may will personal property if fourteen years of age or over, and real property at twenty-one. Females may make a will of personal property at twelve and of real property at eighteen years of age

Either husband or wife may relinquish dower at any age.

Any insurance on the life of any person for the benefit of wife or children is free and clear of claims against such insured person. If the wife dies before her husband such insurance is payable to the children or their descendants or to their guardian if they are under age

A married woman may insure the life of her husband

for her sole use and any husband may insure his life for the use and benefit of his wife and such insurance shall be payable to her free from claims of creditors or representatives of her husband

In appointing administrators between those who are entitled, males must be preferred to females in equal degrees of kin. An unmarried woman shall be preferred to one who is married. Relations on the side of the father shall be preferred to relations on the side of the mother

**Political Status.** Women have no suffrage in this state. In 1892 they were authorized and permitted to practice law on the same terms and requirements as men. A certain number are eligible to the office of notary public. The law states that ten women in the city of Baltimore and one and no more in each county may be appointed to this office

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## MASSACHUSETTS

**Marriage.** The legal age for marriage is eighteen for males and sixteen for females. If the man is under twenty-one or the woman under eighteen, the consent of parent or guardian is necessary. A notice of intention to marry must be filed with the clerk at least five days before the certificate or license to marry can be issued. If either party is under legal age the clerk must not accept or file the notice of intention. The notice will not be received by the clerk on Sundays or legal holidays nor at any other place than his office

The clerk or register may require notice of intention

to marry to be given to him in writing on blanks to be furnished by him, by one of the parties, or by his or her parent or legal guardian, and may require the party who gives such notice to make oath before him to the truth of all the statements therein whereof he or she could have had knowledge (Act of Feb. 10, 1912)

Persons applying for a marriage license in cases in which one or both of them have previously married and have been divorced, shall accompany their application for the license by a certificate or certified copy from the clerk of the court where the divorce was granted, . . . showing names of parties to the proceeding and which one obtained the divorce, the cause therefor and when the divorce became absolute. If there has been more than one divorce, the certificate or certified copy, as to every such divorce shall accompany the application. If the person is unable to obtain the certificate or certified copy, he shall apply to the judge of probate court in the county where the marriage is desired and state under oath the facts required to be stated in said certificate and the reasons why it cannot be obtained. If satisfied of the truth of the statements, the judge shall grant to the party a certificate, stating the facts required. The certificate, whether obtained from the court granting the divorce or from the judge of probate of the county where the marriage is to take place, must be attached by the clerk to the license (Act of April 25, 1912)

Upon application of both parties to an intended marriage, when both parties are residents, or both parties are non-residents, or upon application of the party residing within the commonwealth, when one is a non-

resident and the other a resident, a judge of probate or the judge of a police, district or municipal court may, after hearing such evidence as is presented, grant a certificate stating that in his opinion it is expedient that the intended marriage be solemnized without delay. Upon the presentation of such a certificate or a copy thereof certified by the clerk of the court by which the certificate was issued, or, in extraordinary or emergency cases when the death of either party is imminent, upon the authoritative request of a minister, clergyman, priest, rabbi, or attending physician, the clerk or register of a city or town in which the intention to be joined in marriage has been filed, shall at once issue the certificate prescribed in this act. (Act of April 10, 1912.)

No person can solemnize a marriage who cannot read and write the English language Marriage according to Quaker custom is valid.

**Divorce.** Divorce may be granted for any one of the following causes: adultery, cruel treatment, impotency at time of marriage, desertion for three consecutive years next before beginning suit; confirmed habits of intoxication by liquors, opium or drugs, sentence and confinement at hard labor in jail, state prison or house of correction for five years or more, and no pardon shall restore conjugal rights A decree of divorce does not become absolute until six months from time rendered, and then only on application of either party, if no reconciliation has taken place, and if no cause has been shown by an interested party why an absolute decree should not be given The guilty party cannot marry again within two years after date of the final

decree. The court may appoint an attorney to report on or defend any case.

The parties must have lived together as husband and wife within the state and one of them have been a resident at the time the cause occurred, or the libellant must have been a resident of the state five years next preceding the filing of the libel, or for three years if they were inhabitants of Massachusetts at the time of the marriage. In the last two cases the divorce will be granted though the cause occurred in another state, unless it appears that the injured party came into the state for the purpose of obtaining a divorce.

When a decree of divorce for adultery committed by the wife has been rendered, her title to property is not affected, except that the court may decree to the husband so much of the property as may be necessary for the support of minor children, and the husband's interest in the wife's real estate ceases if the wife marries again. After an absolute divorce a wife is not entitled to dower in lands of her husband.

A marriage within prohibited degrees of relationship, or if former husband or wife is living, or if either party was under age, is void without legal process, and marriages may be annulled for idiocy or insanity.

The court may decree alimony and custody of children. In making a decree relative to custody, in the absence of misconduct, the rights of the parents shall be held to be equal, and the happiness and welfare of the children shall determine their custody and possession.

**Property Rights.** Married women have had control of property and wages since May 5, 1855, also power to

will one-half of it, or all of it with the husband's consent expressed in writing

All property owned by a woman at time of marriage or acquired by her afterwards, in any way, constitutes her separate estate. She may manage and control it as if unmarried, except that her husband must join in any conveyance of her real estate.

She may enter any trade, business or profession and may form a partnership with any one except her husband. In order to protect her business, she must file a certificate in the clerk's office of the city or town where she does business. This certificate must contain her name, the name of her husband, the name under which she proposes to carry on the business, the nature of the business, and the place with street and number where it is done. If the place is changed a new certificate must be filed. Unless such certificate is filed, it will be presumed that the business is her husband's, and he will be personally liable for all contracts relating to it and the property connected with it or growing out of it will be liable for his debts.

The property of husband or wife is not liable for the debts of the other, incurred either before or after marriage, but the husband's property is liable for debts or contracts for necessaries for family use, made by the wife, as the agent of her husband. A married woman may make all manner of contracts with any one except her husband and they will be as binding upon her and her estate as if she were unmarried, but she cannot contract or enter into any kind of an agreement with her husband which will be binding upon either of them or upon the estate of either.

Her wages are her own and cannot be attached by her husband's creditors, and all work or labor performed by a married woman for any person other than her husband is presumed to be performed on her separate account, unless there is an express agreement on her part to the contrary.

Husband and wife may make conveyances of real estate to each other except by way of mortgage, as if unmarried, but no such conveyance shall have any effect, either in passing title or otherwise, until the deed describing the property to be transferred, is duly acknowledged and recorded in the registry of deeds where the land lies (Act of March 12, 1912 )

A wife may receive as separate property from her husband, gifts of wearing apparel, articles of personal adornment and articles necessary for her personal use to a value of not more than two thousand dollars, but such gifts must not be in fraud of creditors

If the husband is a spendthrift, certain portions of his property may be transferred to wife, children or grandchildren and become the property of the person to whom it is transferred.

If the husband has been deserted by his wife or if she is insane, or if he is living apart from her for justifiable cause, he may convey his real property as if he were unmarried, and if the wife survives she cannot waive the provisions of his will

A wife may make a will of all her property with her husband's consent in writing She may dispose of one-half her personal property and all of her real property to take effect after the termination of his life interest, without his consent

If there are children or their descendants, dower and courtesy may be claimed or it may be waived and the provisions of the statute accepted in lieu thereof. If dower is claimed, the claim must be filed within one year after the bond of the executor or administrator has been approved.

If husband or wife dies leaving no children, the survivor is entitled to five thousand dollars, and one-half of the remaining real and personal property. If personal property is not sufficient to pay the five thousand dollars, the deficiency shall be paid from sale or mortgage of any interest of the deceased in real property. If there is a child or children, the survivor will take one-third of the remaining real and personal property. If the decedent leaves neither children nor kindred to inherit, the survivor will take the entire estate.

The articles of apparel and ornaments of the widow and minor children belong to them respectively and the court must allow from personal property such furniture and other articles and an allowance sufficient for support of widow and minor children for six months, not exceeding one hundred dollars for each child. If there is not sufficient personal property, real property may be sold.

All life insurance is exempt and ensues to the benefit of wife and children.

The widow and minor children are entitled to the homestead during the life of the widow or until she marries again and until the youngest child is twenty-one years of age.

**Guardianship.** The parents of the minor jointly, if living together, and in case of the death of either, the

surviving parent, they being respectively competent to transact their own business, shall be entitled to the custody of the person of the minor and to the care of his education. Either may appoint a guardian of both person and estate by will

**Miscellaneous.** Desertion of a wife or minor children under sixteen or failure to provide for them is punishable by fine or imprisonment or both, and fines may be paid to the probation officer for the benefit of the family

A married woman is jointly liable with her husband for debts to the amount of one hundred dollars in each case, for necessaries furnished with her knowledge or consent, to herself or family, if she has property to the value of two thousand dollars or more

A married woman who is twenty-one years of age may make a will

No assignment of wages or earnings by a married man is valid, unless the written consent of the wife to the assignment is attached thereto

**Political Status.** In 1879 women were given school suffrage, and may vote for school committees. They may be members of such committees, may be overseers of the poor and by statute are eligible to many other offices and they may practice law. They cannot be appointed notaries public, but on March 14, 1912, the legislature passed a proposed amendment to the constitution making women eligible to appointment as notaries public. If agreed to by the next legislature, the proposed amendment will be submitted to the people for ratification or rejection.

## MICHIGAN

**Marriage.** Marriage is a civil contract. The legal age for marriage is eighteen for men and sixteen for women. No particular form or ceremony is required, but a license is necessary and there must be at least two witnesses besides the person solemnizing marriage. If the woman is under eighteen, the written consent of parent or guardian must be obtained. Common law marriages are valid, also marriages between white persons and negroes. Marriage according to customs of Quakers and other religious societies is valid.

**Divorce.** Causes for divorce are adultery, impotency; imprisonment for three years or more; desertion for two years, habitual drunkenness, and in the discretion of the court, when either party has obtained a divorce in another state.

Either absolute or limited divorce may be granted for desertion for two years, extreme cruelty, whether by violence or otherwise, or where the husband refuses to support his wife and family. Imprisonment for life dissolves the marriage immediately without divorce. The cause may not have occurred within the state and either party may testify in open court in his or her own favor, except when adultery is charged. A residence of one year is required next preceding the application for divorce. If the cause occurred out of the state one of the parties must have been a resident two years next before filing the application.

No testimony can be taken until two months after filing the bill, except where the cause is desertion, or where the evidence is taken conditionally for the pur-

pose of perpetuating testimony. If there are children under fourteen years of age, the prosecuting attorney must appear, and if the interests of the children require it, it is his duty to oppose the divorce. The court may decree alimony and award the custody of children to either party as may appear for their interest, and may also decree that the guilty party shall not marry again within a stated period, not to exceed two years.

When a wife secures a divorce from her husband for adultery, or when he has been imprisoned for life, or for habitual drunkenness or sentenced to prison for three years or more, she is entitled to dower in her husband's real estate as if he were dead. If there are no minor children, the wife may have her former name restored.

When either party has a wife or husband living, or when either was idiotic or insane at time of marriage, or if the parties are within the prohibited degrees of relationship, the marriage is absolutely void without any decree of divorce or legal process.

If the parties or either of them were under legal age to contract marriage, or if consent was obtained by force or fraud and the marriage has not been subsequently ratified, it may be declared void.

**Property Rights.** The constitution of 1850 gave married women power to will property and an act of February 13, 1855, conferred the right to control separate property including wages and "to convey, devise and will it as if unmarried."

All property real and personal owned by a woman at marriage and all that she may acquire afterwards, by gift, grant, inheritance, or devise, is her separate

estate and is not liable for debts or obligations of her husband. She has full power to contract with reference to it, or sell, transfer, mortgage or will it, as freely as if she were unmarried, and it is not necessary for her husband to join in conveyance of her real property. She is entitled to rents, income and profits from her property and it is liable for all debts contracted with reference to it, and for her individual debts, whether incurred before or after marriage.

"Every married woman is absolutely entitled to have, hold, own, retain and enjoy any and all earnings acquired in any way as the result of her personal efforts and to sell or otherwise dispose of any and all such earnings and to make contracts with reference thereto, to the same extent that she could do, if unmarried."

If husband and wife own personal property jointly, the wife is entitled to her share, the same as if unmarried. If they are joint owners of real estate, the whole of it goes to the survivor on the death of either party, without probate or other proceedings.

If a wife permits her husband to sell or mortgage her personal property without objection or giving notice of her ownership to the purchaser, she cannot afterwards claim or recover it, or if she allows her property to become so intermingled with that of her husband as to be indistinguishable, it shall be subject to claims of the husband's creditors.

Dower still prevails, but curtesy has been abolished. The wife has a life interest in one-third of all her husband's real estate, unless dower has been released or barred. If there are no children and no will, upon the

death of either husband or wife the survivor may take one-half of the real estate of the intestate absolutely. This, in case of the widow shall be in lieu of dower and homestead rights. If the intestate leaves no descendants, nor parent, nor brother nor sister, nor their issue, all of the real estate will go to the survivor.

A widow may, within one year after the appointment of an administrator, begin proceedings for the assignment of dower, and if she does this, her estate is limited to the dower interest. If the husband leaves a will making provision for the wife, she may elect whether she will accept the provisions of the will, or her dower, but she cannot take both unless this was the intent of the testator plainly expressed.

If husband or wife dies without a will, one-third of the personal property of the deceased goes to the survivor, if there are children. If there is but one child, the survivor takes one-half. If the personal estate of the husband is less than three thousand dollars and there is no living issue, it all goes to the widow. If more than three thousand dollars, she takes that amount and one-half of the excess, and if there are no children or other heirs it all goes to the widow. If there are no descendants, father, mother, brother or sister, the survivor takes the whole estate both real and personal.

A homestead consisting of forty acres of land or one lot in town or city, with buildings thereon, not exceeding fifteen hundred dollars in value, is exempt to the widow and minor children during life or until majority of the youngest child.

The widow is entitled to all of her wearing apparel

and ornaments and those of her husband and two hundred dollars' worth of his household furniture, and two hundred dollars' worth of his other personal property, to be selected by her, and an allowance sufficient for support during settlement of the estate or until dower is assigned

If there is no mother, an allowance must be made from the estate sufficient to support the minor children until they are ten years of age. If an inventory of the estate shows that it does not exceed one hundred and fifty dollars over the allowances to the widow and minor children, and funeral charges and expenses of administration, the court may assign the whole of it for the use and support of the widow and minor children

A widow may remain in the dwelling house of her husband one year without paying rent and may have a reasonable allowance out of his estate for her support during this time and she has the first right of administration

**Guardianship.** The father, if living, if not, the mother is entitled to the custody of the person and education of the minor child, if otherwise suitable. The father may appoint a guardian by will for his child, whether born or unborn, but if the mother survives, she may present objections before the appointment is confirmed by the court. If the father appointed no guardian, the mother may appoint a guardian by will

**Miscellaneous.** The husband has the right to choose the place of residence, and the domicile of the husband is that of the wife

A husband is required to support his wife and fur-

nish her with necessaries of life according to his means and station in life and if he fails to do this, the court may assign such part of the husband's real and personal estate as may be necessary for her support and may enforce this decree by a sale of such real estate. This provision will continue as long as they both live.

If a husband is indebted to his wife, he may convey property to her in payment of his indebtedness in preference to other creditors. Husband and wife may deal directly with each other, but she cannot act as surety for her husband or any other person, or make herself personally liable for the debt or obligation of another, when no consideration passes to her, nor is her note or endorsement or promise to pay good unless given in relation to her separate property, nor can a wife form a partnership with her husband, but she may engage in business with, or enter into partnership with any other person.

A husband is not responsible for civil injuries committed by his wife.

A married woman may sue and be sued alone and may recover in her own name, damages for personal injuries to herself, but an action for loss of service because of personal injury must be brought by the husband and any damages recovered in such action belong to him.

Husband or wife cannot be a witness for or against each other except by mutual consent or in cases of personal injury done by one to the other, or for failure of the husband to furnish support for the family.

Husband or wife may testify for or against each other without consent in all criminal prosecution for

the crime of bigamy, and the wife is a competent witness against her husband in case of desertion, but in any proceeding instituted by husband or wife because of adultery, neither are competent witnesses.

A married woman may insure the life of her husband for her own benefit and the husband may insure his life for the wife's benefit, and such insurance is exempt from claims of creditors.

A married woman may will her property as she pleases, but a husband cannot deprive his wife of her interest in his real estate by will. A woman's will is not revoked by her subsequent marriage, so long as no children are born.

If her husband does not object, she may carry on a separate trade or business, and she may employ her husband as agent and appropriate to her own use the profits of such business. If he has entire charge of the business, she will be bound by his acts and representations and notice to him will be notice to her.

Any person who deserts his wife or minor children under fifteen years of age may be fined or imprisoned. If sentenced to imprisonment, the superintendent of the state prison or house of correction may pay one dollar and fifty cents each week to the overseer of the poor, for the benefit of the wife and fifty cents additional for each child under fifteen so long as the term of imprisonment continues.

**Political Status.** Women were granted school suffrage in 1875 and municipal suffrage, if tax payers, in 1898. The constitution of 1908 provides that "whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money

or the issue of bonds, every woman having the qualifications of male electors who have property assessed for taxes in any part of the district or territory to be affected by the result of such election shall be entitled to vote thereon."

Since 1875 women who were twenty-one years of age who owned property assessed for school taxes, and who had resided in the district three months were qualified voters on questions of voting school taxes, and every woman who owned property assessed for school taxes in the district or who was parent or guardian of any child of school age could vote at school elections. If husband and wife owned property jointly assessed for school taxes, they were both entitled to vote upon all questions, including the question of raising money.

November 5, 1912, by an amendment to the constitution, full suffrage was given. Previous to this women had been eligible to all school offices. They are now probably eligible to all public offices. They may be notaries public and attorneys.

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### MINNESOTA

**Marriage.** Marriage, so far as its validity is concerned, is a civil contract to which the consent of the parties capable in law of contracting is essential. The legal age for marriage is eighteen for males and fifteen for females. A license must be procured from the clerk of the county where the woman resides or where the marriage is to take place. If either is a minor the consent of parent or guardian must be given in writing attested by two witnesses, one of whom must appear before the clerk and make oath that he saw such parent

or guardian sign or heard him or her acknowledge the same

Marriage is forbidden between parties who are nearer related than second cousins, and if either is epileptic, imbecile, feeble minded or insane. If a marriage is solemnized by a person who is unauthorized, it is valid, if the parties entered into it with the full belief that they were legally married. No particular form is necessary, but there must be two witnesses. Marriages according to Quaker custom are valid.

**Divorce.** Causes for divorce are adultery; impotency; cruel and inhuman treatment; desertion for one year next preceding the filing of the bill, habitual drunkenness for one year; sentence to imprisonment in state prison. Limited divorce may be granted the wife for cruel and inhuman treatment; such conduct on the part of the husband as may render it unsafe or improper for her to live with him, and for abandonment of the wife and refusal to live with her.

For absolute divorce, the plaintiff must have been a resident of the state one year, except in case of adultery committed while resident in the state. Where limited divorce is asked, both parties must have resided in the state, or the marriage must have occurred in the state and the wife be an actual resident at time of complaint; or if the marriage occurred elsewhere, the parties must have resided here one year, and the wife be an actual resident at time of complaint.

Whenever a divorce is granted for any cause except adultery of the wife, or from bed and board, or the husband is sentenced to imprisonment for life, or the marriage is adjudged null, the wife shall be entitled to the

immediate possession of all her real estate. When a divorce is granted because of the husband's imprisonment or because of his adultery, the wife shall be entitled to the same interest in his lands as if he were dead, to be allowed in the same manner.

The name of the wife may be changed. The court may order the restoration of the whole or such part as it deems just and reasonable of her personal estate, or the value thereof, and also the value of any real estate disposed of by the husband and wife during the marriage, to be paid by her husband in money and he may be required to disclose on oath what personal estate has come to him by reason of the marriage, and how the same has been disposed of, and what portion remains in his hands.

If her own estate thus restored to her is insufficient for her support or if there be no such property, the court may decree such part of the personal and real estate of the husband, not exceeding one-third thereof, as it deems just and reasonable, having regard to the ability of the husband, the character and situation of the parties and all other circumstances of the case.

The court may make any order as to the custody of the children and maintenance of family pending the action, and upon final decree may make such further order as it deems just and proper concerning the care, custody and maintenance of the minor children of the parties, and may determine with which of the parents they or any of them shall remain, having due regard to the age and sex of such children.

The court may afterward, from time to time, on the petition of either parent, revise and alter such order

concerning the care, custody and maintenance of the children, or any of them, and make such new order concerning them, as the circumstances of the parents or the benefit of the children shall require.

The amount of alimony can never exceed in value one-third of the husband's estate, both real and personal. Support may be decreed without divorce or separation. After divorce the parties are prohibited from entering into another marriage within six months from date of the decree.

Marriages within prohibited degrees of relationship and where former husband or wife is living are absolutely void without legal proceedings, and marriages may be pronounced void by the court on account of the absence for five years of one of the parties, or for lack of legal age, or when consent was secured by force or fraud.

**Property Rights.** An act of March 6, 1869, gave married women control of property and wages, and the power to will property was conferred one day later, March 7, 1869.

All property owned by a woman at marriage or acquired by her afterwards, including rents, issues, profits and all avails of her contracts and industry, constitutes her separate estate, and is free from her husband's control and from liability for his debts. She may manage and dispose of her property as freely as if unmarried and may convey her real estate subject to rights of her husband.

A husband and wife, by joint deed, may convey the real estate of either, and either may convey his or her real estate alone, subject to the rights of the other, and

by separate deed or conveyance either may relinquish his or her rights in real estate so conveyed by the other. The homestead cannot be conveyed unless both husband and wife join in the conveyance. Subject to these provisions either husband or wife may separately appoint an attorney to sell or convey any real estate owned by such husband or wife or join in any conveyance made by or for each other. If a husband has possession of his wife's property, the presumption is that he holds it for her.

The interest of husband or wife in the property of the other may be lost by sale of property under execution, by bankruptcy or assignment for benefit of creditors, by conveyance signed by wife or by judgment against her husband, even though she was not made a party.

No contract between husband and wife relative to the real estate of either or any interest therein, nor any power of attorney from one to the other to convey real estate or any interest therein, shall be valid, but in relation to all other subjects, either party may be constituted the agent of the other, or may contract with the other.

A married woman may make a will of all her property, but neither can deprive the other of his or her claim to one-third of the real property.

Dower and curtesy were abolished in 1875. Upon the death of either husband or wife, the survivor is entitled to the homestead for life and if there are children to one-third of the entire personal and real estate absolutely, after payment of debts. If there are no descendants, the entire estate goes to the survivor ab-

soltuely. If either husband or wife wilfully deserts the other and lives separate without just cause for a year, immediately preceding the death of the other, such survivor is not entitled to any estate in lands of the deceased

The survivor and minor children are entitled to the homestead consisting of eighty acres of land or one-half acre in a town of less than five thousand or one-fourth acre in a town of over five thousand inhabitants. The survivor has a right of occupancy during life After death of survivor it descends to children in equal shares. If there are no children, it belongs absolutely to the survivor and may be disposed of by will

The widow and minor children are also entitled to an allowance out of the estate sufficient for support during settlement, not longer than one year in case of an insolvent estate, nor after the widow's share of personal property has been assigned All wearing apparel and exempt personal property goes to the survivor. If the whole estate does not exceed one hundred and fifty dollars after allowances are made, it shall be assigned to the survivor and children after expenses of administration and funeral charges are paid.

**Guardianship** The guardian of a minor shall have the custody of his ward and charge of his education, and the care and management of his estate, unless otherwise specified in his appointment. Unless sooner discharged according to law, he shall continue as such guardian until the minor arrives at full age. But the father and mother are the natural guardians of their minor children, and, being themselves competent to

transact their own business and not otherwise unsuitable, they are equally entitled to their custody and the care of their education. If either dies or is disqualified to act, the guardianship devolves upon the other.

The father, with the written consent of the mother, and the mother with the written consent of the father, may by will appoint a guardian of their minor children, whether born at the time of making the will or afterwards, to continue during their minority or for a less time, and if either parent dies without having appointed a testamentary guardian, the survivor may by will appoint such guardian.

**Miscellaneous.** A husband is bound to support his wife according to his station in life, and he must furnish this support though they are living apart. If living together the wife has authority to purchase, on the credit of her husband, ordinary household and family necessaries. If not living together the wife has no such implied authority. If the wife has property or other means she may be responsible for necessaries, for husband and wife are jointly and severally liable for household articles and supplies furnished and used by the family. Wilful failure of the husband to furnish support, proper food, clothing and medical attendance and care is a criminal offense.

A married woman is bound by her contracts, and is responsible for all civil injuries, and her property is liable to the same extent as if she were unmarried. She may contract and engage in business as freely as her husband may do.

“Nearly all disabilities have been removed from

married women, but the enlarged rights carry with them corresponding liabilities, and they are responsible for their conduct as if unmarried."

A wife may purchase her husband's property and she may act as his agent and become his surety. She may contract with him and the husband may work for his wife, with or without compensation.

A wife may sue her husband in her own name in regard to any claim or right affecting her property. She may sue for separate support.

When a husband has deserted his wife and family, she may prosecute or defend actions in his name.

A married woman may act as executrix, administratrix or guardian.

Men attain majority at twenty-one. Women at eighteen, but if married younger, a woman may join with her husband in conveyances of real estate

"Every person of full age and sound mind by his last will and testament may dispose of his estate both real and personal, or any part thereof or any interest therein; and the words 'every person' shall include married women "

**Political Status.** School suffrage was granted to women in 1875, and the privilege of voting for library trustees in 1898.

Women possessing the required qualifications of male voters, are qualified to vote for school officers and members of library boards and upon any measure relating to schools or library boards.

Women are eligible to any office pertaining to the management of schools or libraries. They are eligible to all appointive offices, and may practice law

## MISSISSIPPI

**Marriage.** A license must be procured and the consent of parent or guardian is necessary if the man is under twenty-one and the woman is under eighteen years of age. Marriage is prohibited between white persons and negroes, or Mongolians of one-eighth or more blood, and while the general rule is that a marriage if legal where contracted is legal within the state, any marriage contracted by persons embraced within this provision will be void, though it is contracted in another state. Marriages are valid if solemnized according to the usages and customs of any religious society.

**Divorce.** A divorce may be decreed for any of the following causes. adultery, bigamy; impotency; habitually cruel and inhuman treatment, wilful, continued, and obstinate desertion for two years, habitual drunkenness, sentence to penitentiary, unless pardoned before being sent there; habitual and excessive use of opium, morphine or other drugs, pregnancy of wife at time of marriage unknown to the husband, insanity or idiocy at time of marriage, if parties are within prohibited degrees of relationship.

If divorce is granted for adultery of either party the court may forbid the guilty party from marrying again. A residence of one year next before filing the bill is required, and the complainant must be a bona fide resident and not for the purpose of securing a divorce. An affidavit must be filed, stating that there is no collusion between the parties. The court has discretionary power as to the award of alimony and the

custody of children. The decree may be revoked upon joint application of the parties.

**Property Rights.** By the code of 1880 married women were relieved of all common law disabilities and "are fully emancipated from all disability on account of marriage, and the common law as to disabilities of married women and its effect on the rights of property of the wife is totally abrogated, and marriage shall not impose any disability or incapacity on a woman as to ownership, acquisition or disposition of property of any sort, or as to her capacity to make contracts and to do all acts in reference to property which she could lawfully do if she were unmarried."

All property owned by a woman at marriage or which she may acquire afterwards in any way is her own. It is not subject to control of the husband or liable for his debts. The wife can "acquire, own, manage, control, use, enjoy and dispose of all property real and personal in possession or expectancy, and may contract with reference to it and bind herself personally and sue and be sued as if unmarried."

To be valid as to third parties, conveyances of property and contracts between husband and wife must be written, acknowledged, and recorded. The property of the wife may be used by the husband for the support of the family if the wife consents, but he cannot convert it to his own use. No conveyance or encumbrance of the homestead is valid, whether owned by husband or wife, unless the deed is signed and acknowledged by both.

Any business carried on by the husband in his own

name with the means of a wife, shall be held to be done for the benefit and use of the wife, by the husband as her agent and manager.

Dower and courtesy were abolished in 1880. Neither husband nor wife has any interest in the property of the other during their joint lives. If either dies without a will, leaving no children or their descendants, the entire estate, both real and personal, passes to the survivor after payment of debts. But if there are children by this or a former marriage, the survivor is entitled to a child's share.

All exempt property, including a homestead of one hundred and sixty acres of land, or of the value of three thousand dollars, vests in the survivor unless he or she has a dwelling place or residence equal in value to the homestead, in which case the homestead will go to the children or their descendants.

The widow, in addition to all exempt property, is entitled to all clothing and ornaments and an allowance sufficient for the support of herself and minor children for one year.

If provision for the survivor has been made by will, he or she may elect to take the share of the estate provided by law in lieu of the provision of the will. If either has separate property and provision of the will is renounced, such person will be entitled to such portion of the estate as will, with the separate estate, be equal to what he or she would receive if there were no separate estate. If the separate estate is only one-fifth of what the survivor would take, he or she would be entitled to the lawful portion. If the separate estate

is equal to the lawful portion the survivor cannot renounce the provision of the will and elect to take the lawful portion.

**Guardianship.** The guardian of a minor whose father or mother is living and a suitable person to have the custody of the minor, shall not be entitled as against the parent to the custody of the ward.

**Miscellaneous.** Husband and wife cannot contract with each other to receive compensation for services, work or labor.

Husband or wife may be introduced by each other as a competent witness in all civil and criminal cases, and either shall be a competent witness in his or her own behalf in all controversies between them

The husband is the head of the family and may choose any reasonable place or mode of living.

Husband or wife may sue each other as if unmarried

All persons, whether married or unmarried, if twenty-one years of age, may make a will

**Political Status.** Women have the privilege of voting for school trustees in districts which are not cities, if they are patrons of the school. Under this law a widow who is a patron of the school secures a vote for trustee, or an unmarried woman who may be a patron of the school, because of being guardian to some child of school age who attends the school, may vote for trustee.

Women are not eligible to any office except that of state librarian. "All qualified electors and no others shall be eligible to office, except as otherwise provided in this Constitution" Const., Art. IV, Sec 41.

## MISSOURI

**Marriage.** Marriage is a civil contract. A license must be procured, and if the man is under twenty-one or the woman under eighteen, consent of parent or guardian is necessary. Marriage between first cousins and between white persons and negroes or Mongolians are prohibited and void. Marriage in an Indian country and according to Indian customs is valid, even though the Indians are located within the state lines, but a marriage between a white man and an Indian woman who has left her tribe, must be tested by the laws of the state. Common law marriages are valid.

**Divorce.** Absolute divorce only is granted and may be for the following causes. adultery, bigamy; impotency; such cruel and barbarous treatment as endangers the life of the other; absence without reasonable cause for one year; habitual drunkenness for one year, such indignities as render the life of the other intolerable, conviction of felony or other infamous crime after marriage or before marriage, if unknown to the other party, vagrancy of the husband; pregnancy of the wife at time of marriage unknown to the husband.

The party complaining must have been a resident of the state one year before bringing action, unless the cause occurred within the state, or while one or both of the parties were residents of the state. The court may order alimony, pending the action, and upon final decree may order permanent alimony in gross or in payments from year to year, if the decree is in favor of the wife. The wife's name may be changed if she requests it.

If a husband unjustly deserts his wife, she may apply for an order of court, providing for her maintenance out of her husband's property and authorizing her to sell her real estate without his signature, and to claim the earnings of minor children, and also for an order to any one holding money belonging to the husband to pay it to her, and no property is exempt from attachment and execution in a proceeding instituted by a married woman for maintenance.

In all cases of divorce the guilty party forfeits all interest in the property of the other. No decree of divorce can be reviewed.

Marriages are void for bigamy; if parties are within the prohibited degrees or relationship, or if one is a white person and the other a negro.

**Property Rights.** April 17, 1877, married women were given power to will property. March 5, 1879, they were given control of wages, but by later enactments this was modified and limited to control of wages if the wife is not supported by her husband. June 11, 1889, control of separate property was given.

A married woman's separate estate consists of all real and personal property owned by her at time of marriage or acquired in any way afterwards, including her earnings, and any damages recovered by her for injuries to person or property, and such property is free from her husband's control and for liability for his debts. He has no right to possession of her personal property unless she has given her consent in writing.

The wife's separate estate is liable for her own debts incurred before or after marriage and is also liable for debts contracted by the husband for necessaries for her

use and that of the family. She may contract in reference to her estate and manage it as freely as if unmarried, but her husband must join in conveyances of her real property. The husband is not liable for debts of the wife contracted before or after marriage, except for necessaries, and his property cannot be held for such debts.

If a husband abandons his wife, or from worthlessness or drunkenness or other cause fails to make sufficient provision for her support, she may be authorized to sell and convey her real estate and any personal estate which shall at the time have come to the husband by reason of the marriage and which may yet be in his possession.

The wife may will her separate estate, but neither can deprive the other of dower or courtesy.

Dower and courtesy as at common law prevail. Dower attaches to all real estate owned by the husband during the marriage, including long term leases, for twenty years or more. Upon the death of the husband the wife is entitled to a life interest in one-third of his real property, or if there is a child or children she may elect to take a child's share absolutely in lieu of dower, and she is entitled also to a child's share of the personal estate. If there are neither children nor their descendants, she is entitled to all the real and personal estate which came to the husband through the marriage, and to all of her personal estate which came to his possession with her written consent, which is not disposed of, and this must be paid or returned to her in preference to claims of creditors; she is also entitled to one-half of the real and personal estate belonging to her.

husband at time of his death, after payment of debts, or she may elect to take dower.

If the husband leaves children by a former marriage, the wife may elect to take in lieu of dower, and in addition to her real estate, the personal property in possession of the husband, that came to him by right of the wife because of the marriage, by her consent in writing, subject to payment of the husband's debts.

Upon death of the wife, the husband is entitled to courtesy in all of her real estate and to a child's share of her personal estate. If there are no children he takes one-half of her real property absolutely.

If there are no descendants, nor father, mother, brother or sister, the survivor takes the entire estate absolutely.

If the whole estate does not amount to more than the survivor and minor children are allowed by law without being subject to debts, the court may order the estate delivered, without further administration. If the wife dies owning personal property in her own name, the husband may keep as his absolutely all the articles of property and be entitled to all the remedies and reliefs to which a wife is entitled, relating to her deceased husband's property.

A homestead consisting of one hundred and sixty acres of land not exceeding fifteen hundred dollars in value, or in a small city or town a homestead of the same value, or in a city of forty thousand inhabitants or more, one not exceeding three thousand dollars in value, is exempt to the survivor and minor children during life, or until remarriage of such survivor or

until majority of the youngest child. If the homestead has been selected from the separate property of the wife with her consent, it will descend to her heirs after the survivor's death, and if selected from his property, it will go to heirs of the husband after death of the survivor.

The surviving husband or wife is entitled to the family Bible and other books not exceeding two hundred dollars in value, the wearing apparel of the family and provisions sufficient for use of the family for twelve months, and household furniture not exceeding five hundred dollars in value. If provisions are not on hand, the court must allow sufficient amount to purchase them. In addition the survivor is entitled to such other personal property as he or she may select, not to exceed four hundred dollars in value. This four hundred dollars in property, or money in lieu thereof, must be deducted from dower or distributive share.

**Guardianship.** In all cases not otherwise provided for by law, the father, while living, and after his death the mother, if living, is the natural guardian and shall have the custody of the person, education, and estate of the minor child. The last surviving parent may appoint a guardian by will.

**Miscellaneous.** The husband is not liable for his wife's debts contracted before marriage. He is liable for necessaries, and if he abandons his wife or minor children under fifteen, he may be punished by a fine not exceeding one thousand dollars or by imprisonment, or by both fine and imprisonment.

If a husband fails to claim homestead exemptions,

the wife may do so, and a widow may be the "head of the family" in contemplation of all homestead and exemption laws

A married woman may be regarded as a single person, so far as to allow her to carry on and transact business on her own account; to contract and be contracted with; to sue and be sued, and may sue at law or in equity without her husband being joined as a party.

Women are of age at eighteen, men at twenty-one.

Any woman, married or unmarried, who is eighteen years of age may make a will of all her property, real and personal, subject to her husband's right of courtesy. The will of an unmarried woman is revoked by her subsequent marriage.

A married woman cannot act as executrix or administratrix

**Political Status.** Women have no suffrage in this state

A woman is eligible to any office if there is no provision in the Constitution or statutes expressly requiring the incumbent to be a male. Women may practice law and may be notaries public if eighteen years of age.

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## MONTANA

**Marriage.** Marriage is a personal relation arising out of a civil contract, to which the consent of persons capable of making it is necessary. A male who is eighteen or a female who is sixteen years of age may consent to marriage, but if either is a minor, consent of parent or guardian is required. If the father is living

his consent alone is sufficient. If not, the mother may consent. Marriages between white persons and negroes or persons of part negro blood, Chinese or Japanese are prohibited and are void. Persons solemnizing such marriages are subject to heavy fine or imprisonment or both. A license must be obtained from the clerk of the county where the marriage is to take place.

Marriages valid where contracted are valid here, except marriages between white persons and those belonging to the prohibited races, which are void though celebrated without the state.

**Divorce.** Causes for divorce are adultery, extreme cruelty; wilful desertion, wilful neglect, if former husband or wife is living; habitual intemperance; and conviction of felony. One year's residence is required, unless the offense was committed while one or both of the parties resided here. No divorce will be granted by default. Though a divorce may be denied, the court may award the wife and children maintenance, and has the power to decree alimony and custody of children and may vacate or modify such order at any time. A poor woman may prosecute a suit for divorce free of cost.

If a husband deserts his wife, she may, without applying for a divorce, maintain an action against him for permanent support and maintenance of herself and minor children.

When the court enters an order for support or maintenance, the property of the husband may be made liable therefor, but if the wife has a separate estate sufficient for her support, the court may withhold the allowance.

If the homestead has been selected from the separate property of either, it must be assigned to the former owner, subject to the power of the court to assign it for a limited time to the innocent party. Disposition of the homestead is subject to revision on appeal.

Marriages may be annulled for non-age, if former husband or wife is living; if either is of unsound mind, if consent was obtained by force or fraud. If a marriage is dissolved for force or fraud, the children, if any, are given to the innocent party.

**Property Rights.** June 12, 1872, married women were given control of property. February 17, 1874, control of wages was granted, but only if engaged in a separate business. March 7, 1887, power to will property was conferred, but the husband cannot be deprived of his one-third interest in the wife's estate, without his consent.

All property owned by the wife at marriage, and all acquired afterwards in any way is her separate property. It is not liable for debts of the husband, except for necessaries procured by him for the use and benefit of herself and minor children under eighteen. It is liable for all separate debts of the wife, whether incurred before or after marriage. A complete inventory of the wife's personal property may be made, signed, acknowledged, and recorded. The filing of the inventory is notice and *prima facie* evidence of ownership.

All work and labor performed by a married woman for a person other than her husband and children, shall, unless there is a written agreement on her part to the contrary, be presumed to be performed on her separate account, and such earnings or accumulations are not

liable for the debts of the husband. The earnings and accumulations of the wife and of her minor children, while living separate from her husband, are her separate property. The husband's property is not liable for debts or contracts of the wife incurred either before or after marriage.

A married woman may control, convey or encumber her real estate either in person or by attorney, the same as if unmarried, and she may make a will of all her property except that she cannot, without the written consent of her husband, deprive him of more than two-thirds of her real or personal estate.

Neither husband nor wife, as such, has any right in the property of the other, except the right to support, but neither can be excluded from the other's dwelling.

Dower is still in force, but courtesy has been abolished. A widow is entitled to a life interest in one-third of all her husband's real property owned by him during the marriage, in which her right has not been barred or relinquished. Dower may be barred by a marriage settlement with her consent, or by the provisions of a will, unless otherwise expressed in the will, and she may relinquish it by joining in a conveyance with her husband.

She may always elect whether she will accept the provisions of a will or her dower and share of the personal estate. The widow may also elect to take one-half of the real estate absolutely, after all debts are paid, if there are no children.

Upon the death of either husband or wife, if there is one child or the descendants of one child, one-half of the real and personal estate may go to the survivor.

If there is more than one child, one-third of the estate goes to the survivor. If there are no children, father, mother, brother or sister, the whole estate goes to the survivor

The surviving husband or wife and minor children are also entitled to all exempt property, including the homestead and a reasonable provision for their support until settlement of the estate. If the whole estate does not exceed fifteen hundred dollars it must all be assigned for the support of the widow and minor children. If the widow has a maintenance out of her separate estate, all of the fifteen hundred dollars must go to the minor children, except her interest in the homestead. The homestead must not exceed twenty-five hundred dollars in value, and if selected from property of the wife will go to the husband for life. If selected from property of the husband, it will go to the widow for life

**Guardianship.** The father is entitled to the custody, service, and earnings of a minor child, but he cannot transfer that custody or services to any other person, except the mother, without her written consent, unless she has deserted him or is living separate from him by agreement.

If the father is dead or is unable or refuses to take the custody, or has abandoned his family, the mother is entitled thereto. If husband and wife are living separate, the husband and father, as such, has no rights superior to those of the wife and mother, to the care, custody, education, and control of the children.

**Miscellaneous.** The husband is the head of the fam-

ily and may choose any reasonable place or mode of living and the wife must conform thereto.

A husband must support his wife and family out of his property or by his labor. If he is unable to do so, she must assist him.

If the husband neglects or refuses to support his wife, any person may in good faith supply her with necessaries and recover the value from the husband

A wife must support her husband out of her separate property, when he has not deserted her and is incapable from infirmity to support himself

Husband and wife may make contracts or enter into any engagement or transaction with each other or with any other person, respecting property, which either might if unmarried.

A husband and wife cannot, by any contract with each other, alter their legal relations, except as to property, and except that they may agree in writing to an immediate separation, and may make provision for the support of either of them and of their children during such separation.

Neither husband nor wife, as such, is answerable for wrongful acts of the other

A married woman in her own name, may prosecute any action for injuries to her reputation, person, property or character or for the enforcement of any legal or equitable right, and may in like manner defend any action brought against herself.

No assignment of his wages or salary to a wage broker, by a married man who shall have a wife residing in this state, shall be valid or enforceable without

the consent of his wife in writing, acknowledged before a notary public or other officer empowered to take such acknowledgment.

A married woman may become a sole trader and carry on a separate business, but she cannot employ her husband as agent or manager.

A woman may be appointed executrix or administratrix and her authority is not extinguished by subsequent marriage.

The age of majority is twenty-one for males and eighteen for females.

**Political Status.** Women were granted school suffrage in 1887. The constitution of 1889 secures tax paying suffrage to them in these words: "Upon all questions submitted to the vote of the tax payers of the State, or any political division thereof, women who are tax payers and possessed of the qualifications for the right of suffrage required of men by the Constitution, shall equally with men have the right to vote." Const, Art IX, Sec. 12.

"Women shall be eligible to hold the office of County Superintendent of Schools or any school district office and shall have the right to vote at any school district election" Const 1889, Art IX, Sec. 10.

Women may practice law and are eligible to appointment as notaries public.

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## NEBRASKA

**Marriage.** Marriage is a civil contract. The legal age is eighteen for males and sixteen for females. If

parties have not attained majority, the consent of parent or guardian is necessary, either in person or in writing. A license must be secured and the marriage must be solemnized in the presence of at least two witnesses, but no particular form is necessary. Marriages between white persons and negroes are prohibited and between first cousins. Marriage according to the custom of any religious society is legal. A marriage valid where contracted is valid here. Even if contracted elsewhere by residents of this state to evade the statute, it is legal because there is no statute declaring such marriages invalid.

**Divorce.** A divorce may be obtained for any of the following causes: adultery; impotency; abandonment for two years; habitual drunkenness; sentence to imprisonment for life. A legal separation or divorce from bed and board may be decreed for extreme cruelty; desertion for two years, or failure to provide suitable maintenance.

A residence of one year is required and if cause occurred out of the state, the plaintiff must have been a resident two years. If divorce is granted for sentence to imprisonment, no pardon granted after the decree shall restore the marriage relation. Either party may be a witness in divorce proceedings, as in civil cases.

The court may order maintenance of children and care and custody of them as seems advisable under the circumstances, and support may be decreed out of the separate estate of the husband. In all cases of divorce the wife is entitled to immediate possession of all her real estate, as if her husband were dead or imprisoned for life. The court has discretion as to personal prop-

erty, but if divorce is granted for adultery of the wife, the husband may hold such share of her personal estate as may be deemed just and reasonable

Divorce divests the parties of any share in property of the other except as allowed by the court. All judgments and orders for alimony are a lien on property. The court retains jurisdiction and the decree may be changed if cause is shown.

Where parties are within the prohibited degrees of relationship, or if either had a husband or wife living, or was insane or idiotic, or if one is a white person and the other has one-fourth or more of negro blood, the marriage is void without decree. Marriages may be declared void for non-age or if consent was obtained by fraud or force.

**Property Rights.** An act of March 1, 1871, gave a wife control of her property and wages, and ten years later she was granted power to will property.

All property owned by a woman at time of marriage or acquired after, with rents, issues, profits or proceeds thereof, and all which shall come to her by devise, gift or inheritance, except from her husband, and all which she may acquire by purchase or otherwise, is her separate estate and is not subject to control of her husband or liable for his debts. It is liable for separate debts of the wife and for necessaries for the family, if the husband has not sufficient to satisfy such claims.

A married woman may bargain, sell or convey her separate property, real and personal, and contract with reference to it, to the same extent and with like effect, as a married man may in relation to his property. She may sue and be sued and carry on a business or trade,

or perform any labor or business on her sole and separate account, and earnings from labor or business belong to her

A homestead to the value of two thousand dollars is exempt and may be selected from the separate property of the wife with her consent. Conveyance of the homestead must be signed by both husband and wife and both must join in all conveyances of other real property

Dower and courtesy were abolished in 1907. Upon the death of either husband or wife, the survivor is entitled to one-third of all real property belonging to the decedent at time of death, if there is more than one child, and if the survivor is the parent of all the children. If the survivor is not parent of all the children, he or she is entitled to one-fourth of the real estate. If there is but one child or no children, the survivor is entitled to one-half the real property. If there are no children, or other kindred to inherit, the survivor takes the whole estate.

The survivor is also entitled to the homestead, not exceeding two thousand dollars in value, for life, and all wearing apparel and ornaments and all household furniture of the deceased, together with all exempt property at time of death, and in addition other personal property selected by him or her, not to exceed two hundred dollars in value, and the survivor is entitled to the above even though there may have been a provision made for him or her in the will of the deceased.

The survivor and children are entitled to an allowance sufficient for maintenance for one year after ad-

ministration is granted. If the estate does not exceed five hundred dollars, all may be assigned to the survivor and children. After payment of debts the balance of the personal estate is distributed the same as real property. The survivor cannot be deprived of the above allowance by will, nor be required to elect between the provisions of the will and of the statute.

The survivor has the right to elect between real property willed by decedent and that allowed by law.

If there is no surviving husband or wife, but minor children, they are entitled to an allowance sufficient for support until they are fourteen years of age.

**Guardianship.** The father and mother are the natural guardians of their minor children and are equally entitled to their custody and to care for their education, being themselves competent to transact their own business. If either dies, or is disqualified from acting, the guardianship devolves upon the other. The surviving parent may appoint a guardian by will.

**Miscellaneous.** The husband is the head of the family unless incapable of supporting the family, or if he has deserted them, in which case the wife is the head of the family.

The husband is not liable for ante-nuptial debts of his wife.

A married woman may employ her husband to manage or carry on business in her name.

If a woman has been appointed administratrix or executrix, her subsequent marriage extinguishes her authority.

A married woman may will all her separate property, both real and personal. Marriage revokes a will.

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previously made. If provision has been made for either by the will of the other, he or she may elect to take such provision, or under the law.

Males attain majority at twenty-one and females at eighteen, but married women are of age between sixteen and eighteen.

A married woman may obligate herself as surety for another.

**Political Status.** In 1883 women were granted limited school suffrage. Those who have children of school age or who own property, either real or personal, assessed in their own name for taxation and who possess the other qualifications of male voters, may vote at all district meetings or school elections held in district, village or city.

Women are eligible to any office not expressly forbidden. They may hold school offices, be county treasurers, notaries public, and may practice law.

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### NEVADA

**Marriage.** Marriage is a civil contract. A male who is eighteen years of age or a female who is sixteen may contract a legal marriage, but consent of parent or guardian is necessary if either of them has not attained majority. If the father is living his consent alone is sufficient. A license must be procured by the parties and there must be two witnesses to the ceremony. No particular form is necessary, and marriages between Quakers according to their custom are valid.

“It shall be unlawful for any person of the Cauca-

sian or white race to intermarry with any person of the Ethiopian or black race, Malay or brown race, Mongolian or yellow race, American Indian or red race, within the state of Nevada " Parties violating this act are guilty of a gross misdemeanor and may be punished accordingly.

**Divorce.** Causes for divorce are: adultery; impotency, extreme cruelty; wilful desertion for one year; habitual gross drunkenness contracted since marriage and incapacitating the party from contributing to the support of the family; conviction of felony or infamous crime, neglect of the husband to provide the common necessities of life for one year, when such neglect could be avoided by ordinary industry on his part, and is not the result of poverty

The plaintiff must have resided in the state and county six months, unless the action is brought in the county where the defendant resides or where the cause of action occurred.

The court may decree support for wife and children and the wife's name may be changed. The custody of children will be awarded the innocent party or as may seem best for the child

In case of divorce, the community property must be divided equally, except where divorce is granted for adultery or extreme cruelty, when the court may exercise discretionary power in the division of community property. When a divorce is granted to the wife because of adultery or the imprisonment of the husband, she is entitled to the same proportion of her husband's property as if he were dead

Marriages between white persons and those belong-

ing to other races which are prohibited, are void without legal action or decree, and also those where either party had a former husband or wife living, or if the parties are within the prohibited degrees of relationship.

Marriages may be declared void for lack of age; or for mental incapacity; or if consent was obtained by force or fraud.

**Property Rights.** An act of February 6, 1867, conferred on a married woman power to control wages if she has advertised as a sole trader. February 27, 1873, she was given power to will property, and March 10, of the same year, she was granted control of property if a list of such property is filed with the county recorder, and control of wages, when "the husband has allowed her to appropriate them to her own use, in which case they are deemed a gift from him to her," or if she is living separate from her husband.

The community property system prevails. All property owned by either husband or wife at marriage or acquired afterwards by gift, will or inheritance, constitutes the separate property of each. All of the property acquired in any other way after marriage is community property, belonging equally to husband and wife.

The wife may manage, control, sell or encumber her separate property alone without the signature or consent of her husband, and her conveyance has the same effect as if she were unmarried. To prove ownership, her property must be inventoried and recorded, otherwise the presumption is that it is community property. Profits from separate property which come mainly from

the property belong to the separate estate. Profits which accrue from the joint efforts of husband and wife, or of either of them, are community property. The wife may will all of her property as if unmarried, but she must have the consent of her husband on the will, to dispose of her half of the community property. The separate property of husband or wife cannot be subjected to payment of debts incurred before marriage, by the one not owning the property.

The husband has absolute control of the community property during the marriage and may dispose of it or encumber it as his own, with or without his wife's consent, but he can dispose of only one-half of it by will.

No conveyance or encumbrance of the homestead is valid unless husband and wife join in the mortgage or deed.

Dower and curtesy are both abolished. Upon the death of the husband, one-half of the community property goes to the wife. If he dies without a will and there are no children, the wife takes all the community property without administration, subject to the payment of debts.

The community property is in possession and control of the husband and upon death of the wife it belongs to him without administration.

If a husband abandons his wife without cause which would justify a divorce, she may dispose of one-half of the community property by will, or if she fails to dispose of it in this manner, it will descend to her heirs exclusive of her husband.

If either husband or wife dies without a will and there is one living child or the descendants of one child living, the survivor is entitled to one-half of the separate estate. If there are more than one child or their descendants living, the survivor takes one-third of the estate.

If there is no issue living, the survivor takes one-half, providing there are other heirs capable under the law of inheriting. If there are no such heirs the survivor takes the whole estate.

A homestead to the value of five thousand dollars and all exempt personal property, shall be set aside as the sole property of the surviving husband or wife and the minor children, and if the estate does not exceed five hundred dollars in value it may all be assigned without administration, for the support of the survivor and minor children, or in the discretion of the court, it may all be set apart for the minor child or children.

If the homestead has been selected and set apart out of the separate property of either, after death of the owner, it loses its homestead character and descends as other real property. If selected from community property, upon death of either it vests absolutely in the survivor. If the homestead is in possession of the husband at death, the presumption is that it is community property.

The property of widows and orphans to the value of one thousand dollars is exempt from taxation.

**Guardianship.** The father if living, if not the mother, while she remains unmarried, and if suitable, must be entitled to the guardianship of the child. The

father may appoint a guardian by will, and the mother may also appoint by will, if the father is dead and no other guardian has been appointed

**Miscellaneous.** The husband is under obligation to furnish necessaries for the family, but if a married woman is a sole trader she is liable for the maintenance of her children. If there is no community property and the husband has no separate property and is unable to support himself, the wife must support him if she has property. Non-support is punishable by fine or imprisonment or by both, and the wife is a competent witness in case of non-support.

Any person who is more than eighteen years of age who shall wilfully strike, beat or torture any maiden, or woman over sixteen, is guilty of a misdemeanor, and upon conviction shall be sentenced to be firmly lashed standing, to a post or pillar, not less than two nor more than ten hours in the day time of any day except Sunday, with a placard, bearing in large letters the words, "Woman beater" or "Wife beater" as the case may be, fastened upon breast garments of the culprit, and it shall not be removed during the hours of his legal confinement to pillar or post. For the second offense he may be imprisoned in the county jail not less than thirty days, nor more than six months.

Husband and wife cannot alter their legal relations by contract, but they may agree to an immediate separation and make provision for the support of either, or of their children, and they may contract directly with each other or with any other person, respecting property.

Women are of age at eighteen, men at twenty-one

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Every person over the age of eighteen years may make a will of all of his or her property. A married woman may will her entire estate without the consent of her husband, either express or implied. Marriage revokes a woman's will previously made.

A husband's will made before marriage, unless the wife is provided for, or there is such mention made of her in the will as shows an intention not to provide, shall be deemed to be revoked.

When an unmarried woman has been appointed administratrix or executrix, her subsequent marriage extinguishes her authority

A married woman may carry on a separate trade or business in her own name after complying with certain legal requirements, but she cannot invest more than five hundred dollars received from her husband in the business, and she cannot employ her husband to manage such business for her

A married woman may sue and be sued alone, when living separate from her husband or in relation to her separate property or business

**Political Status.** Women have no suffrage in this state. They are expressly eligible to the office of superintendent of public schools and school trustees, and they may be admitted to practice law.

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## NEW HAMPSHIRE

**Marriage.** A legal marriage may be contracted by males who are fourteen years of age and by females of thirteen, but if the man is under eighteen or the woman

under sixteen, the parent or guardian must apply to the court for permission to contract such marriage. The parties must file a notice of intention to marry with the clerk of the court, who must issue a certificate after the notice is filed. Persons assuming the relation of husband and wife and acknowledging such relation for a period of three years, and until the death of one of them, shall be deemed to have been legally married.

**Divorce.** Only absolute divorces are granted and may be obtained for the following causes: adultery, impotency, extreme cruelty; treatment endangering reason, habitual intemperance for three consecutive years; conviction of crime punishable by imprisonment for more than one year, and actual imprisonment under such conviction absence unheard of for three years, wilful absence of the husband for three years without making provision for his wife, wilful absence of the wife for three years without the consent of her husband; absence of the wife and entire separation, without consent of husband for ten years together, residence of three years in this state of a wife whose husband has left the United States intending to become a citizen of another country, and during that time has not furnished his wife support and has lived entirely separate, when either party without sufficient cause, and without consent of the other, has abandoned and refused for three years together to cohabit with the other, joining any religious sect prohibiting marriage.

Both parties must reside in the state or one of them must be a resident, and personal service must have been made on the defendant within the state, or one of the parties must have resided in the state one year next.

preceding the action. The cause for divorce must be in existence at the time of commencing suit. The court has discretion in regard to an allowance of alimony from the estate of either, temporary or permanent, and may restore to the wife her entire estate if deemed just, and may decree as seems best and reasonable, as to custody and maintenance of children.

Bigamous marriages and those within the prohibited degrees of relationship are void without legal process.

**Property Rights.** By acts of July 4 and August 1, 1860, married women were authorized to will such property as belonged to them, which was not paid for by the husband, and to control their own wages. July 18, 1860, power to control property was granted.

All property owned by a woman at time of marriage or acquired afterwards in any way, including her earnings, is her separate estate and is free from the control of her husband and not liable for his debts. She may sell, or convey, or dispose of it by will, as freely as a married man may dispose of his property, but neither husband nor wife can deprive the other of courtesy or dower. Both must join in all conveyances of real property to convey a clear title free from claims of either. Conveyances of real estate may be made directly between husband and wife.

The wife may make all kinds of contracts concerning her property, except that she cannot bind it as surety for another, or as guarantor, or for any kind of undertaking for the benefit of another. She is liable for her own debts and her property can be held for them, except her contracts for necessaries for which the husband is responsible. She may will all of her property,

reserving only her husband's right of courtesy in her real estate, and his right to one-third of her personal property if there are children, or one-half if there are no children.

If the husband is insane, or is a spendthrift, or has deserted her, or has joined a religious society which prohibits marriage, she may apply to the court for separate maintenance, which may be decreed out of her husband's property, and her own property will be secured to her, and the earnings of herself and minor children, and unless the marital relation is afterward resumed, her property will descend as if she were a widow. If the husband is insane or is guilty of conduct which would justify a divorce, the court may award support for her and her minor children out of the husband's property.

Dower in cultivated lands and courtesy both prevail. Every devise or bequest of husband or wife to the other shall be deemed to be in lieu of the rights which either has by law, unless the contrary appears in the will, but the husband may waive any provision of the will and courtesy and take instead, one-third of the real property of the wife absolutely, if there are children; or one-third for life if she leaves issue not by him, or one-half absolutely if she leaves no issue, and, by waiving the provisions of the will, he is entitled to one-third of the personal estate if there are children, or to one-half if there are no children.

The widow may waive her dower and homestead rights and any provision of her husband's will, and take one-third of all the realty absolutely if there are children, or one-half if there are no children. The

waiver of either husband or wife must be made in writing within one year after the death of the other. If the husband has abandoned the wife or failed to support her, or because of his own negligence has not been heard of for three years prior to her death, he has forfeited all claim to any part of her estate.

The widow is entitled to the net one-third of rents and profits of the estate, and in any case to a reasonable allowance sufficient for her support until dower is assigned, and is also entitled to a homestead to the value of five hundred dollars in addition to dower. The surviving husband or wife has the right to occupy the homestead during life or the minority of children. An allowance for the support of children under seven years of age may be made if the estate is not insolvent. The wearing apparel of either husband or wife may be disposed of by will. If not so disposed of, it shall be delivered to the survivor or minor children. The wearing apparel of the widow and the wearing apparel of minor children belong to them. Bibles and school books cannot be bequeathed by the husband nor regarded as assets of the estate.

**Guardianship.** The father and mother of every minor child are hereby constituted joint guardians of the person of such child, and the powers, rights, and duties of both the father and mother in regard to such child shall be equal. Upon the death of either the father or the mother, the surviving parent of any unmarried child under the age of twenty-one years, shall become the sole guardian of the person of said child.

Nothing herein contained shall prevent any court of competent jurisdiction from appointing any suitable

person to be guardian, and the custody of any minor child may be awarded to either parent by any court having jurisdiction. (Act of April 6, 1911 )

Every guardian has the care and custody of the person of the minor as well as of his property

**Miscellaneous.** If a wife is deserted or is justifiably living apart from her husband, she may apply to the court to prohibit him from imposing any restraint on her liberty, and for an order for her support and the custody of minor children

If the husband does not provide for his wife, or treats her with cruelty, or is an habitual drunkard, he may be prohibited from entering the house or tenement in which she lives, if she owns it or pays the rent.

Abandonment of wife or children under sixteen is punishable by fine or imprisonment or by both.

The husband is not liable for the debts of his wife incurred before marriage.

A woman may act as guardian, administratrix or executrix

A wife cannot be surety or guarantor for her husband.

Husband and wife are competent witnesses for or against each other in all civil or criminal cases, except that neither shall be required or allowed to testify to any matter which might lead to a violation of marital confidence

“Every person who is twenty-one years of age may dispose of all his property by will. ‘Every person’ shall be construed to include a married woman.”

If a woman who is the wife of an alien, or of a citizen of another state, has resided in this state six months

successively, separate from her husband, she may acquire and hold real and personal estate, and convey it as if she were unmarried, and shall have the exclusive care, custody, and guardianship of her minor children living with her in the state.

If the husband becomes a citizen of this state and they resume the relation of husband and wife, the fact of his becoming a citizen and such relationship, shall have the same effect upon any contract or business of the wife, as if the marriage between them had then first been solemnized.

If the husband of such woman obtains a divorce during such separate residence, or if divorce be decreed upon application of the wife, she shall retain the exclusive custody and guardianship and receive the earnings of her minor children living with her. No person shall take from the custody of such wife any minor child of the marriage residing with her, or remove the child from the state, against the consent of the mother. Upon her application a guardian may be appointed for the child and an injunction may be issued restraining the father and all other persons, from removing the child from the state without consent of the mother.

**Political Status.** Since 1878 women have had school suffrage in this state.

The Supreme Court has decided that women cannot hold public offices, nor can they be notaries public.

They may be admitted to practice law.

## NEW JERSEY

**Marriage.** Marriage is a civil contract. Consent of parents or guardian is necessary if the man is under twenty-one or the woman under eighteen years of age. This consent must be in writing, signed and sealed in the presence of two witnesses. Since July, 1910, a license is necessary in all cases, before a marriage can be solemnized. It must be procured at least twenty-four hours prior to the time of the ceremony, and it must be procured in the county where one or both of the parties reside or where the marriage is to take place. Common law marriages are valid and those performed according to rules or usages of any religious society or denomination.

**Divorce.** An absolute divorce may be obtained by either party for adultery, or desertion for two years. Divorce from bed and board may be decreed for adultery; continued desertion for two years, or extreme cruelty. This may be for a limited time or forever. One of the parties must be a resident of the state at the time the cause for action occurred, and the residence must have continued until the time action is commenced. No action, except for adultery, can be commenced unless one of the parties was a resident of the state two years next preceding the action, or when either party, since cause for action arose in another state has become, and for at least two years next preceding the action, has continued to be a bona fide resident of the state, provided the cause alleged was legal cause in the state where it occurred.

Decrees become absolute after six months from entry.

thereof, and no appeal can be taken from the absolute decree. Either party may marry again and the court may award alimony and the custody of children as the circumstances may require.

After a decree of divorce neither party has any interest in the property of the other.

Marriages are null and void from the beginning if either has a wife or husband living; if they are within the prohibited degrees of relationship; for impotence; mental incapacity, or non-age of either at suit of party under age.

**Property Rights.** By act of March 25, 1852, married women were given control of property. April 2, 1873, they were authorized to will property and control of wages was given July 18, 1876.

The real and personal property owned by a woman at marriage and all acquired afterwards by gift, descent, devise or bequest, and the income, rents or profits of all such property and the earnings or wages from separate business or labor, constitute her separate estate. She may control and manage it as if unmarried, and may sell or convey it, or dispose of it by will, except that she cannot deprive her husband of his right of courtesy.

In order to convey a perfect title, releasing dower or courtesy, husband and wife must join in all conveyances or mortgages of real estate owned by either. The husband is not liable for debts of the wife contracted before marriage, but she and her property are liable for her separate debts, whether incurred before or after marriage. She may contract as freely with reference to her separate property or business as if unmarried, but she cannot contract with her husband.

Common law dower and courtesy prevail. If either husband or wife dies without a will, leaving neither descendants nor kindred, the survivor takes the entire estate, both real and personal, absolutely. If there are children, upon death of the husband, the wife is entitled to one-third of the personal estate absolutely and to a life interest in one-third of the real estate. If there are no children or their descendants, she takes all of the personal estate. Adultery of the wife bars dower.

If a wife dies without a will, the husband receives the whole of her personal estate, and if there has been a living child born, he is entitled to a life interest in all of her real property.

If a wife dies without a will, the husband may demand administration of the wife's estate, and after payment of debts, takes it all. When the estate does not exceed two hundred dollars he is entitled to it all without administration.

A homestead not exceeding one thousand dollars in value is exempt and secured to the surviving husband or wife and the minor children, until death of survivor and majority of minor child or children.

The wife may remain in and hold the homestead or dwelling house until dower is assigned. She cannot be required to pay rent whether she occupies it herself or rents it to another who pays rent to her. A widow can claim all personal property which belonged to her during marriage, which remained in possession of the decedent at time of his death. Wearing apparel of decedent and personal property to the value of two hundred dollars is exempt to the family.

**Guardianship.** The father is guardian of the minor child, but he cannot transfer this guardianship by will or otherwise without the consent of the mother. In case of the separation of the parents without misconduct of either, if the child is over seven years of age the rights are held to be equal. If the mother is a widow she is the guardian and may appoint a guardian by will in all cases where the father is authorized to make such appointment, provided the father has not appointed a guardian.

**Miscellaneous.** The husband must support his wife, and if he abandons her he may be compelled to pay a sufficient amount for such support, and his property, or a portion of it, may be set aside to enforce such order. A husband who deserts his wife or family is regarded as a disorderly person, and may be punished accordingly.

A married woman may act as executrix, administratrix, trustee or guardian. She may sue and be sued, and may sue in her own name for injuries to person or property, and damages recovered are her own. The husband may have a separate action for loss of service and society.

A married woman cannot become an accommodation endorser, guarantor, or surety, nor can she bind herself or her property to answer for the debt or default of another, unless it is in consideration of some pecuniary benefit to her separate property.

The husband is responsible for all civil injuries committed by the wife in his presence. She alone is responsible for all injuries or damages relating to her separate property or business.

No assignment of wages by a married man is valid without the consent of the wife in writing.

A wife may contract for wages with any person except her husband. She may contract with her husband or firm of which he is a member for service to said firm and may recover for same.

A married woman who is twenty-one may make a will of all her personal property, but she cannot deprive her husband of courtesy in her real property.

A married woman may sue and be sued without joining her husband in any case whatever in which he would be an unnecessary party if he were not her husband. (Laws of New Jersey, March 28, 1912.)

A married woman may insure her husband's life or cause it to be insured for her sole use. The insurance may be made payable to her children after her death.

**Political Status.** In 1887 women were given the right to vote upon all questions relating to appropriations for educational purposes. They are eligible to membership on boards of education and to many offices. They may be admitted to practice law and may also be appointed as notaries public or as masters in chancery.

A commission as master in chancery terminates upon marriage, but may be reissued under the name conferred by marriage.

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#### NEW MEXICO

**Marriage.** Marriage is a civil contract to which consent of parties is essential. If the man is under twenty-one or the woman under eighteen, the consent of parent

or guardian is necessary. A legal marriage may be contracted with such consent if the man is eighteen or the woman fifteen. If parties are under this age, marriage without consent of parent or guardian is absolutely invalid. A license must be procured in the county where marriage is to take place and parties must appear in person before the clerk.

**Divorce.** Causes for divorce are: adultery; habitual drunkenness; impotency; conviction of felony and imprisonment in the penitentiary after marriage; pregnancy of the wife by another at time of marriage, cruel and inhuman treatment; abandonment and failure of the husband to support the wife. Plaintiff must have been a resident of the state one year next preceding the commencement of the suit. The wife may be given alimony and the property divided, and custody of children awarded as may seem best for the child. Alimony and custody of children may be decreed without divorce, if husband and wife are living separate, or the property may be divided.

Marriages within the prohibited degrees of relationship are void, also when the parties or one of them was under legal age.

**Property Rights.** January 12, 1852, married women were given power to will property. An act of March 27, 1874, gave them control of property, including wages.

All property owned by either husband or wife at time of marriage or acquired afterwards by gift, bequest, devise, or descent, with the rents, issues, and profits thereof is the separate property of each and is liable for separate debts only. Earnings of the wife are not liable

for the debts of the husband. Her earnings while living separate from her husband, and the earnings of minor children living with her are her separate property. Either husband or wife may convey or encumber or dispose of all of his or her separate property by will without consent of the other.

All other property acquired during the marriage is community property. It is liable for all community debts, also for the husband's separate debts. The community property cannot be charged with any debt incurred by the wife unless it is expressly pledged or mortgaged by the husband to secure the same.

The husband has the management and control of all community property with absolute power of disposition during marriage. The homestead and all furniture, furnishings, and fittings of the home, clothing and wearing apparel, are community property. These cannot be sold or mortgaged by the husband without the written consent of the wife, but all other community property of every kind can be sold or encumbered without her consent. He cannot make a gift of community property, nor convey it without a valuable consideration unless the wife consents in writing.

If the husband is insane, or convicted of felony and sentenced to imprisonment for more than one year, or has abandoned his family and left them without support, or is an habitual drunkard, or for any other reason is incapacitated to manage and administer the community property, upon petition by the wife, she may be declared and appointed the head of the community with full power of managing, administering, and disposing of all community property, both real and personal.

The husband may dispose of one-half of the community property by will, but the wife has no such right. If for any cause a portion of the community property has been set aside by judicial decree for her support, she may dispose of this portion by will.

Neither husband nor wife has any interest in the property of the other, but neither can be excluded from the other's dwelling. No sale, conveyance or encumbrance of the homestead is valid unless both join in the deed or mortgage.

Upon the death of the wife the entire community property passes to the husband without administration, except such portion as may have been set aside by judicial decree for the wife for her support and maintenance. If she has not disposed of this by will, it goes to her children or other heirs exclusive of her husband.

Upon death of the husband one-half of the community property goes to the surviving wife. If he has not disposed of the other half by will, one-fourth of this half goes to the wife and the remainder to children

Upon death of either husband or wife one-fourth of the separate estate, both real and personal, belongs to the survivor and the remainder passes to children or other heirs.

A homestead to the value of one thousand dollars and all other property, including wearing apparel, books, and household furniture, shall be set aside for the survivor and minor children and shall be exempt during the life of the survivor and until the majority of the youngest minor child.

Life insurance to the amount of five thousand dollars is also exempt from claims of creditors and is reserved for the benefit of the family

**Guardianship.** The father while living, and in case of his death, the mother is the guardian of their minor children and has the custody and care of their persons, education, and estates, and when such estates are not derived from the parent acting as guardian, such parent shall give security and account as other guardians. Either parent may appoint a guardian by will.

**Miscellaneous.** The husband is the head of the family and may select any reasonable place for the common home, and the wife must conform thereto

A widow, whether having persons dependent upon her or not, is the head of the family and is entitled to all exemptions under the law which her husband could have claimed.

Husband and wife may enter into any engagement or transaction with each other, or with any other person, respecting property which either might if unmarried

Husband and wife cannot, by any contract with each other, alter their legal relations, except as to property, and except that they may agree in writing to an immediate separation, and may make provision for the support of either of them, or of their children.

The husband is not liable for the debts of the wife incurred before marriage nor for those incurred after marriage, except for necessaries for family use.

Husband or wife may be the agent or attorney for the other.

A married woman cannot act as executrix or administratrix.

The husband must furnish his wife a reasonable support according to his means and condition in life

The wife must support her husband out of her separate property, if he has not deserted her, when he has no separate property, and there is no community property, and he is from infirmity unable to support himself

**Political Status.** In 1910 women were given the right to vote at school elections

They are not disqualified from holding office because of sex, and are expressly eligible to appointment as notaries public

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## NEW YORK

**Marriage.** Marriage is a civil contract. No particular form is necessary, but there must be at least two witnesses, and a license must be procured in the county where the woman resides or where the marriage is to take place. The license must not be issued until the clerk requires applicants to furnish certain information including whether either has been divorced, and if former husbands or wives are living or dead, when and where the divorce was granted, and also that no legal impediment to the marriage exists. The legal age for marriage for both men and women is eighteen. If the man is under twenty-one or the woman under eighteen the written consent of both parents, if living, or of guardian is necessary. Consent must be in writing. A written contract of marriage, signed by both parties and properly acknowledged and recorded, is valid.

**Divorce.** An absolute divorce may be granted only for adultery, and the guilty party cannot marry again

during the life of the other, unless the court shall modify the decree after five years, because of good conduct. Both parties must have been residents of the state when the offense was committed, or they must have been married in the state, or the plaintiff must have been a resident of the state when the offense was committed and when the action is begun.

If the defendant shall marry in another state, and the marriage is legal there, it will be valid in New York.

A limited divorce may be granted for cruel treatment, conduct rendering it unsafe or improper to live with defendant, or for the husband's neglect to provide for the wife. Final judgment cannot be entered for three months.

Marriages are void if either had a wife or husband living at time of marriage; when former husband or wife has been sentenced to imprisonment for life; when former husband or wife has been absent for five consecutive years. The wife of such marriage, if entered into in good faith, may be the beneficiary of a life insurance policy.

Marriages are voidable if parties, or one of them, were under legal age, was incapable of consenting through lack of understanding; for impotency; if marriage was procured by duress, force or fraud, if husband or wife was living who has been absent five years, unknown to be living at time of marriage.

In actions for divorce or separation, the wife may be awarded alimony and counsel fees, and custody and support of children may be decreed as seems best and reasonable.

**Property Rights.** A law enacted in 1844 gave married women permission to insure, or cause to be insured, the life of her husband for her own benefit.

By a law of 1845, a married woman was allowed to receive a patent for her own invention, pursuant to the laws of the United States, and to enjoy and hold the same.

By a law of 1848, married women were allowed to hold property for their sole and separate use as if they were unmarried.

By act of March 20, 1861, married women were given power to control property, including wages, and were given authority to will property by act of April 25, 1867.

In 1880 a law was enacted empowering husband and wife who held lands as tenants in common, joint tenants, or as tenants by entireties, to make partition or division of the same between them. A law of 1887 permitted husband and wife to make a transfer or conveyance of real estate directly to each other, without the intervention of a third party.

All property owned by a woman at marriage or acquired by her afterwards, including her earnings and the proceeds or profits of any trade or business in which she may engage, constitutes her separate estate. It is free from her husband's control and is not liable for his debts, but it is liable for her own debts or contracts. She may mortgage or convey her real estate, without her husband's consent or joinder, as freely as if she were unmarried, and may dispose of all of her property, both real and personal, by will, without his consent.

Upon the death of the husband, the wife is entitled to dower in all real property owned by the husband during marriage. Upon death of the wife the husband is entitled to courtesy in all lands owned by the wife at death, not disposed of by will or conveyance.

Upon the death of either husband or wife, the survivor is entitled to one-third of the personal property if there are children. If there are no children, the survivor takes one-half. If there is father, mother, brother, sister, nephew or niece, but no descendants, the surviving husband or wife takes one-half and all the residue, if it does not exceed two thousand dollars. If it exceeds two thousand dollars, the survivor takes the two thousand dollars, in addition to the one-half.

If there are no descendants, father, mother, brother, sister, nephew or niece, the survivor takes all the personal estate.

Life insurance is exempt to the amount which may be purchased with an annual premium of five hundred dollars.

A homestead not exceeding one thousand dollars in value is exempt to the widow and minor children. If the homestead belongs to a married woman it is exempt to her children after her death until the youngest has attained majority. If it belongs to a married man the exemption continues for the benefit of the widow until her death and until majority of the youngest child.

Certain designated articles of personal property, including wearing apparel and household furniture, are exempt and must be allowed the widow. They belong to her as long as she lives with and provides for the children. If she ceases to do so, she may re-

tain her own wearing apparel and ornaments, one bedstead and bedding for it, and household furniture not exceeding one hundred and fifty dollars in value. The remainder belongs to the children. If she lives with the children until they attain majority, all of the property allowed belongs to the widow.

The apparel of the decedent belongs to the estate and cannot be claimed by either survivor or children.

**Guardianship.** A married woman is joint guardian with her husband of their minor children. Upon the death of either father or mother, the surviving parent may by deed or will dispose of the custody and tuition of such child during its minority or for a less time. Either father or mother may, in the life time of them both, by will appoint the other the guardian of the person and property of such child during its minority.

**Miscellaneous.** A married woman may make contracts of any kind as if single. She may contract with her husband and regarding her separate property. She may form a partnership with him. She may employ him as her agent to carry on business and agree on compensation for his services.

She may appoint her husband attorney in fact and she will be bound by his acts as such.

The husband must furnish necessaries, and he cannot contract with his wife to relieve him of his liability for support, nor to dissolve the marriage relation. He is liable for necessaries for his wife, even though living apart, unless provision has been made for her.

A married woman has a right of action for injuries to person or property and is liable for her own wrongful acts.

She may act as executrix, administratrix, and guardian

Every male person eighteen, and females sixteen years of age, may will personal property, but real property cannot be willed by any person under twenty-one, and an infant married woman cannot bind herself by deed so as to bar her right of dower. Marriage revokes a woman's will previously made.

No person having a husband, wife, child or parent, shall bequeath to any benevolent, charitable or missionary society, in trust or otherwise, more than one-half of his estate after payment of all debts, and the will must be made at least two months before death.

**Political Status.** In 1880 women were given the privilege of voting at school elections. In 1901 women paying taxes were granted the right to vote on questions of local taxation in all towns and villages of the state. In 1910 women in all towns, villages, and third class cities were given the right to vote on the issuance of bonds.

March 2, 1912, women who are tax payers in the village of Albion were authorized to vote on the establishment of a sewer system and raising money and issuing bonds therefor, and on April 15, 1912, women in the village of Bath were given the privilege of voting "at special elections for the purpose of raising money for any extraordinary or special purpose, if owners of property upon the last preceding assessment roll."

Women are eligible to nearly all offices, and by express enactments may be appointed to various positions of trust and responsibility.

## NORTH CAROLINA

**Marriage.** Males sixteen years of age and females fourteen may contract a legal marriage. A license must be procured, and if either is under eighteen, consent of parent or guardian in writing, is necessary. Marriages between white persons and negroes and Indians to the third generation are prohibited, also marriage between first cousins

**Divorce.** A divorce may be granted for any of the following causes: adultery; impotency; if wife was pregnant by another at time of marriage unknown to the husband, if parties have lived separate for ten years successively and have resided in the state for that time and no children have been born. A legal separation or divorce from bed and board may be obtained for habitual drunkenness, abandonment, maliciously turning the other out of doors, cruel and inhuman treatment endangering life; such indignities to the person of the other as to render his or her condition intolerable and life burdensome

Alimony may be allowed not to exceed one-third of the husband's net income. If the husband is a drunkard or spendthrift, or if he deserts his wife without cause, alimony may be allowed without divorce or legal separation. In case of divorce all rights of parties in property of each other cease and either party may marry again

In applications for divorce, an affidavit must accompany the complaint, that the facts set forth are true, that the complaint is not made by collusion between husband and wife, nor for the mere purpose of being

separated from each other, that the facts complained of have existed to his or her knowledge at least six months prior to filing the complaint, and that the complainant has been a resident of the state two years next preceding the filing of the complaint, or, if the wife is plaintiff, that the husband is moving or about to move his property and effects from the state, whereby she may be defeated of her alimony. Material facts must be decided by a jury. If the charge is adultery, neither party is a competent witness

Marriages may be pronounced void when within the prohibited degrees of relationship, when parties were under legal age; when either had a wife or husband living, for lack of mental capacity at time of marriage; if one is a white person and the other a negro or Indian.

**Property Rights.** In January, 1849, a wife's separate property was secured from liability for the husband's debts. An act of February 12, 1872, gave a wife power to will property, and to control her wages if abandoned by her husband or if otherwise separated from him, also if she is operating as a free-trader with her husband's written consent

All property of whatever kind owned by a woman at marriage, and all acquired afterwards in any way remains her own separate estate. It is free from her husband's debts, and she can dispose of all of her property by will, but she cannot convey her real estate without her husband's written consent

If a woman is living separate from her husband, whether by mutual consent or by decree of divorce, or

separation, or if the husband is insane or idiotic, or if he has abandoned her, she may be authorized to convey both real and personal property without consent of her husband.

Unless she is carrying on a separate business with her husband's consent, or unless he has abandoned her, or has given his consent in writing, she cannot make contracts binding on her property, except for her own debts incurred before marriage, and for necessaries for herself and family.

If the husband receives the income from his wife's property and she offers no objection, he will not be compelled to account for more than one year previous to the date of the complaint, or of her death. By act of March 11, 1889, the husband is required to list the property of his wife in his control.

Contracts between husband and wife are invalid as creating any charge on her real estate, for more than three years, unless such contracts are in writing.

Both dower and courtesy prevail. The wife is entitled to a life interest in one-third of the real estate owned by the husband during marriage. If there are not more than two children, one-third of his personal estate goes to the widow, if there are more than two children she shares equally with the children, if there is no child nor descendants of a child, one-half of the personal estate goes to the widow, the other half going to kindred of the deceased husband. If there are neither descendants nor kindred, the widow is heir to the entire estate.

If a wife dies intestate, the husband has a life in-

terest in all of her real estate if a living child has been born, and is entitled to all of her personal estate, after payment of debts.

The widow and minor children have the right to occupy the homestead until the youngest child is twenty-one years of age. The homestead to the value of one thousand dollars may be included in dower, when assigned.

The widow is also entitled to one year's support for herself and family in addition to her share of personal property. This allowance must be at least three hundred dollars, and one hundred dollars additional for each child or member of the family. The widow's allowance has preference over all other claims.

**Guardianship.** The father, if living, if not, the mother, is the natural guardian of the minor child. "Upon the death of the father the mother immediately becomes the natural guardian, and in such case the mother shall have all the rights and privileges and be subject to the duties and obligations of a natural guardian." The father may appoint a guardian by will for a child born or likely to be. If the father is dead and has not appointed a guardian, the mother may appoint by will. The court appoints the guardian for the estate of minors under twenty-one.

**Miscellaneous** A married woman, who is twenty-one years of age, may become a free trader and carry on a separate business with her husband's written consent, acknowledged and recorded, or by an antenuptial contract, which must also be signed and recorded. She may then contract and perform all acts

and duties relating to business matters as freely as if unmarried.

The wife has no power to make any kind of contract without her husband's consent, except for necessaries, or relating to her separate estate or business.

Married women, who are twenty-one, may make a will of all their property, and may dispose of personal property by gift or otherwise, without the written consent of the husband. A husband's right of courtesy may be defeated by will. All wills are revoked by subsequent marriage.

Husband and wife are jointly liable for all civil injuries and for all fines and costs in criminal proceedings.

A wife may insure her husband's life for her own benefit and dispose of the proceeds by will.

Wilful neglect of the husband to provide adequate support for his wife and minor children is a misdemeanor and may be punished as such.

**Political Status.** Women have no suffrage in this state. They hold no office, as voters only are eligible to office.

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## NORTH DAKOTA

**Marriage.** Marriage is a personal relation arising out of a civil contract to which the consent of the parties is essential. The legal age for marriage is eighteen for males and fifteen for females, but if the man is under twenty-one or the woman under eighteen, consent of parent or guardian is necessary.

A license must be procured. Marriages between white persons and negroes having one-eighth or more of negro blood are prohibited and first cousins are forbidden to marry.

Marriage of Quakers in accordance with the rules of their society is valid, and Indian marriages according to Indian tribal custom are legal. Marriages which are legal where contracted are legal here.

**Divorce.** Causes for divorce are: adultery, extreme cruelty, wilful desertion for one year; wilful neglect of the husband to provide the necessaries of life for his wife for one year, habitual intemperance from the use of intoxicating drinks, morphine, opium, chloral, cocaine or other narcotic drugs for one year, conviction of felony. Plaintiff must have been a resident of the state in good faith for one year next preceding the action, and must be a citizen of the United States, or must have declared his intention to become such. No divorce can be granted by default, or upon the uncorroborated statements or admissions of the parties, but the court must require proof of the facts alleged.

Though a judgment for divorce is denied, the court may provide for the maintenance of the wife and children, or any of them, by the husband, and during pendency of suit, the court in its discretion, may require the husband to pay as alimony, any money necessary to enable the wife to support herself and her children, or to prosecute or defend the action. Upon final judgment or before, the court may give such direction for the custody, care, and education of the children of the marriage as may seem necessary or proper, and may at any time vacate or modify the same.

Suitable allowance may be made for support of the wife during her life, or a shorter period, or for a gross amount of alimony, if divorce is granted for fault of the husband. The court has no power to make allowance for support of the wife if divorce is granted for her fault. If granted for fault of either husband or wife, the court may compel the husband to provide for the maintenance of the children, and may require security for maintenance or alimony. If the wife has a separate estate sufficient for a proper support, any allowance to her from her husband's estate may be withheld.

The homestead may be assigned to the innocent party, either absolutely or for a limited period. If the decree is silent upon the subject, the homestead remains in the possession of the party holding the legal title, discharged of all claims of the other party. Alimony may be made a lien on the homestead.

The court may specify whether either or both of the parties shall be permitted to marry again, and if so when, and the decree may be modified so as to permit one or both to marry.

Marriages may be annulled for the following causes. when parties or one of them was under age, and marriage was contracted without consent of parent or guardian, when former wife or husband was living and former marriage was in force, when either party was of unsound mind, when consent was obtained by fraud or force, when either party was physically incompetent. If annulment is for fraud or force, the custody of children must be given to the innocent party, and provision for their support and education.

may be ordered out of the property of the guilty party

Marriages within the prohibited degrees of relationship are utterly void.

**Property Rights.** An act of January 12, 1866, gave married women power to will property and to control separate property January 13, 1871, the power to control wages was given, but only if living separate from the husband and if unsupported by him

All property owned by a woman at time of marriage or acquired afterwards, including her earnings or wages, and profits from business, constitutes her separate estate and is not liable for debts of her husband. The separate property of the husband is not liable for debts of the wife contracted before marriage.

The wife may manage, control, sell, convey or will all of her separate property as freely as if unmarried. She may contract as an individual with her husband, or with any other person, and may enter into any engagement or business transaction with him or with others as if she were single "The wife, after marriage, has with respect to property, contracts, and torts the same capacity and rights, and is subject to the same liabilities as before marriage, and in actions by or against her she may sue and be sued alone and in her own name "

A homestead consisting of one hundred and sixty acres of land, or two acres in a town or city, not exceeding five thousand dollars in value in either case, may be selected from the husband's property or from the wife's separate property with her consent, and no conveyance of the homestead is valid unless husband and wife join in such conveyance

Dower and curtesy do not exist. Upon the death of

either husband or wife, if there is one child or the descendants of one child living, the survivor takes one-half of the entire estate. If more than one child, the survivor takes one-third of the estate. If the decedent leaves no issue and the estate does not exceed five thousand dollars in value, the surviving husband or wife takes it all. If the estate exceeds five thousand dollars the survivor will take five thousand dollars and one-half of the remainder. If the decedent leaves no issue, nor father, mother, brother or sister, or descendants of brothers or sisters, the whole estate, regardless of value, passes to the survivor.

The surviving husband or wife and minor children may occupy the homestead during life, or until majority of the youngest child. The homestead may be devised subject to right of occupancy by the survivor and family. All property exempt to the decedent, if living, including all property absolutely exempt, and other property, selected by the person or persons entitled thereto, to the value of fifteen hundred dollars, shall be set apart absolutely to the surviving husband or wife and minor children, and such property shall not be liable for any prior debt of the decedent, except the necessary charges of his last sickness and funeral, and expenses of administration, when there are no other assets available for the payment of these charges.

If this allowance is inadequate for the support of the widow and children, or either, and there is other estate of the decedent, the court may order such reasonable allowance out of the estate as shall be necessary for the support of the family.

**Guardianship.** The father is entitled to the custody, services, and earnings of a minor child, but he

cannot transfer such custody or services to any other, except the mother, without her written consent unless she has deserted him or is living separate from him by agreement. If the father is dead, or is unable, or refuses to take the custody, or has abandoned his family, the mother is entitled to the custody. A guardian may be appointed for the child by the father with the written consent of the mother.

The husband and father, as such, has no rights superior to those of the wife and mother in regard to the care, custody, education, and control of the children, while such husband and wife live separate and apart from each other, and when thus separated without being divorced, the court may award the custody of such child to either. As between parents adversely claiming the custody and guardianship, neither parent is entitled to it as of right, but other things being equal, if the child is of tender years, it should be given to the mother; if of an age to require an education or preparation for labor or business, then to the father.

If a widow marries again, her second husband cannot be appointed guardian of the first husband's children.

**Miscellaneous.** The husband is the head of the family and may choose any reasonable place or mode of living and the wife must conform thereto. It has been held that when conditions are such that a wife from necessity is compelled to assume the burdens and responsibilities which belong to the headship of the family, she may be considered the head of the family to claim benefit of exemption laws. She may also be the head of the family for homestead purposes.

The husband must support himself and wife out of his property or by his labor. The wife must support her husband when he has not deserted her, out of her separate property, if he is unable from infirmity to support himself. If the husband neglects to make adequate provision for the support of his wife, any person may, in good faith, supply her with articles necessary for her support and recover the value thereof from her husband.

A husband abandoned by his wife is not liable for her support until she offers to return, unless she was justified by his misconduct in abandoning him; nor is he liable for her support if she is living separate from him unless such support is stipulated in the agreement. A wife may maintain an action against her husband for support, though asking neither separation nor divorce, and judgment may be rendered against the husband for support of wife and children.

A husband who deserts his wife and minor children, or any parent who shall wilfully desert or neglect to provide for children under sixteen is guilty of a crime and may be fined or imprisoned, or both. If the husband is imprisoned with sentence of hard labor, it is the duty of the sheriff, or other official, to pay to the wife or guardian of the children, not less than fifty cents per day for each day of hard labor.

A wife may employ her husband as a servant, and a husband may deal with his wife in regard to property as with a stranger.

Neither husband nor wife can be excluded or removed from the dwelling of the other.

Husband or wife cannot be a witness for or against the other without the consent of the interested party,

but either may be a witness in a civil or criminal action by one against the other

Every person over eighteen years of age and of sound mind may dispose of his or her estate, both real and personal, by will

Married women may give power of attorney to encumber or sell land.

A married woman may not act as executrix or administratrix

**Political Status.** In 1887 women were granted limited school suffrage. They cannot vote for superintendent of public instruction nor for county superintendent

Women are eligible to school offices and may be notaries public. Residents of the state, of good moral character, possessing the necessary qualifications, may be admitted to practice law.

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## OHIO

**Marriage.** The legal age for marriage is eighteen for males and sixteen for females. If the man is under twenty-one or the woman under eighteen, the consent of parent or guardian must be given, and such consent must be given personally or be certified by two witnesses. A license must be obtained in the county where the parties reside, or in the county where the marriage is to take place, or banns must be published twice in some public place of worship in the county where the woman lives, on two different days, in the presence of the congregation, and the first must be at least ten days before the marriage.

**Divorce.** Causes for divorce are: adultery, impotency, when either had a wife or husband living, wilful absence of either from the other for three years; fraudulent contract; extreme cruelty, any gross neglect of duty, habitual drunkenness for three years, sentence to and imprisonment in the penitentiary, if divorce is sought during such imprisonment; the procurement of a divorce without the state by either, by virtue of which the party who procures it is released from the obligations of marriage, while they remain binding on the other party.

The court has discretionary power regarding the custody of children and alimony. A wife may bring action for alimony and custody of children without divorce. If a divorce is granted the wife, all her property must be restored to her and her husband forfeits his right to dower. If she survives her husband she is entitled to dower in all lands owned by the husband to which she has not relinquished her dower. If divorce is granted to the husband, the wife loses her right to dower, but her own property will be restored, except such as may be decreed the husband for alimony. The husband may be allowed such alimony out of the wife's property as the court may decree, and if he survives her he will be entitled to dower in her real property, to which he has not relinquished his right.

Alimony without divorce may be granted to either husband or wife. Except in actions for alimony alone, the plaintiff must have been a resident of the state for at least one year before filing the petition.

**Property Rights.** The code of 1835 conferred upon married women the right to will property. The code of 1880 gave them control of wages, and an act of 1887

granted control of property Previous to this a married woman could give a lease for three years or less time, and this was the extent of her power over her real property

All property of whatever kind owned by a woman at marriage, or acquired by her afterwards in any way, including her wages or personal earnings, constitutes her separate estate It is free from her husband's control and from liability for his debts She may manage, control, convey, sell or dispose of it by will as freely as if unmarried, but neither can deprive the other, either by conveyance or will, of dower in his or her real property, nor the distributive share of the personal estate She may make all kinds of contracts and they will be binding on her and her separate property

Husband and wife have no interest in each other's property, except the right to dower, and the right to support Neither can exclude the other from his or her dwelling

Courtesy was abolished in 1887 Since that time both husband and wife are entitled to dower in lands of the other Upon the death of either, the survivor is entitled to a life interest in one-third of the real estate if there are children If there are no children, the entire estate passes to the survivor for life When there are no children or their descendants or other heirs, all of the real property passes absolutely to the survivor.

The surviving husband or wife is entitled to all the personal property if there are no children If there are children, the survivor takes one-half of the first four hundred dollars and one-third of the remainder

The survivor may remain in the dwelling house one year free of charge if dower is not sooner assigned. The widow is entitled to occupy a homestead not exceeding one thousand dollars in value so long as she remains unmarried, or an unmarried child remains therein, or other real or personal property to the value of five hundred dollars in lieu thereof, in addition to other exempt personal property, if there is no homestead. All exemptions are to the widow and children under fifteen.

The survivor may elect to accept the provisions of a will or dower in real property and distributive share in the personal estate.

The widow and minor children are entitled to an allowance sufficient to support them for one year, and to certain specified exempt personal property, including wearing apparel and household furniture. These articles belong to the widow so long as she lives with and provides for the minor children. When she ceases to do so she may retain her own wearing apparel and ornaments and one bed, bedstead, and bedding for it. The other articles not consumed shall then belong to the minor child or children.

**Guardianship.** The father, if living, is the guardian of minor child or children. If he is dead, or has abandoned the mother, then the mother has the custody of the person and estate and care of the education of the child. The father may appoint a guardian by will, or if he is dead the mother may appoint by will.

**Miscellaneous.** The husband is the head of the family and may choose any reasonable place or mode of living, and the wife must conform thereto.

The husband must support himself and family out

of his property or labor. If he is unable to do so, his wife must assist him so far as she is able.

If a wife abandons her husband he is not liable for her support until she offers to return, unless she was justified by his misconduct in abandoning him.

A husband or wife may enter into any engagement or transaction with the other, or with any other person, which either might if unmarried, but cannot by any contract with each other alter their legal relations, except that they may agree to an immediate separation, and make provision for the support of either of them and their children during the separation

Husband and wife are competent witnesses for each other in all criminal proceedings, and may testify against each other in all actions, prosecutions or proceedings for failure to provide for, neglect of, or cruelty to children under sixteen

Marriage of a woman does not disqualify her to act as executrix or administratrix whether such marriage occurs before or after her appointment and qualification. She may also act as guardian

Married women are entitled to all the benefits of exemption to heads of families

All persons who are twenty-one years of age may make a will. A will executed by an unmarried woman is not revoked by subsequent marriage, unless she shall have a living child

Neither husband nor wife is answerable for the wrongful acts of the other

A married woman may sue and be sued alone as if she were single

Any bequest or devise for any benevolent, religious,

educational or charitable purpose, or to the state, or to any other state or country, or to any municipal corporation or association, or to any person in trust for any of these purposes, shall be invalid unless such will is executed at least one year before the death of the testator, if he or she has a child or representative of a child living.

**Political Status.** In 1894 women were given a very limited school suffrage "Every woman born in the United States or who is wife or daughter of a citizen of the United States, who is over twenty-one years of age and possesses the necessary qualifications in regard to residence as is provided for men, shall be entitled to vote and be voted for, for member of the Board of Education and upon no other question."

Women are ineligible under the constitution to hold any office either elective or appointive. They cannot be notaries public, but may practice law.

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## OKLAHOMA

**Marriage.** Marriage is a personal relation arising out of a civil contract. The legal age for marriage is eighteen for males and fifteen for females. If the man is under twenty-one or the woman under eighteen years of age, consent of parent or guardian must be obtained. A license is necessary. Marriages between first cousins and second cousins are prohibited, also between white persons and negroes. Marriages according to Indian custom are legal, but since 1897 marriage between Indians, if living in the state, must be solemnized in a church or by a minister of the gospel.

nized according to the law, and Indians having more than one wife were required to choose one of them and were prohibited from having other wives

**Divorce.** A divorce may be granted for any of the following causes: adultery, bigamy; impotence, extreme cruelty; abandonment for one year; habitual drunkenness; gross neglect of duty, conviction of felony and imprisonment in a penitentiary subsequent to the marriage; fraudulent contract, pregnancy of the wife unknown to the husband at time of marriage. The plaintiff must have been a resident of the state for one year before beginning action. Notice of appeal must be filed within ten days from date of the decree, and proceedings must be commenced within four months. The decree does not take effect and become final until six months after it has been rendered.

Neither party can marry within the six months, nor before thirty days after final judgment upon appeal.

A divorce may be refused if the parties are equally in fault, but the court may make such orders as the circumstances may require, for the custody and maintenance of the children and for a division of the property.

If divorce is granted for fault of the husband the wife shall be restored to her maiden name if she requests this, and her property shall be returned to her, and alimony be allowed out of the husband's property. If granted for fault of the wife, her property shall be restored and such share of her husband's property as the court may deem just. The common property may be divided as may be just and reasonable. After

divorce neither has any interest in the property of the other except such as may be given by the decree.

Marriages may be declared void for bigamy, if consent was obtained by fraud or force, if parties were within the prohibited degrees of relationship, or if one or both of the parties were under legal age.

**Property Rights.** Married women were given power to will property in 1890, and in 1893 were authorized to control property and to control wages if living separate

All property owned by a woman at marriage, or acquired by her afterwards in any way, constitutes her separate estate, which is not liable for debts of the husband, nor subject to his control. She may file an inventory of her property and she may sell, encumber, mortgage or will it as freely as if unmarried and without her husband's consent or signature. Husband and wife must join in any conveyance or incumbrance of the homestead, unless it is a lease not exceeding one year. Neither has any interest in the property of the other.

Dower and courtesy have been abolished. If property has been acquired by joint industry of husband and wife during marriage and there is no issue, the whole estate goes to the survivor. On death of the survivor one-half goes to the heirs of the husband and one-half to the heirs of the wife.

If there is but one child, or the descendants of one child, the survivor takes one-half of the entire separate estate. If there is more than one child, the survivor takes one-third. If decedent leaves no issue, father,

mother, brother or sister, the whole estate goes to the survivor.

Upon the death of either husband or wife, the survivor may occupy the homestead until it is otherwise disposed of according to law, or until the youngest child is twenty-one years of age. The homestead may consist of one hundred and sixty acres of land or a lot or lots in a city or town not to exceed one acre.

In addition to the homestead, the following property must be delivered immediately to the survivor and children: all family pictures; a pew or other sitting in any place of worship, lot or lots in a burial ground, family bible; school books and other books not exceeding one hundred dollars in value, wearing apparel and clothing of the decedent and family, and fuel and provisions for one year's supply, household and kitchen furniture not exceeding in value one hundred and fifty dollars, and also all other exempt property and money.

If the estate is insolvent and there is not enough personal property, the court may allow from other property sufficient for one year's support, or during settlement of the estate. All allowances to survivor are preferred claims. If the widow has separate property sufficient for her maintenance, the allowance will go to the children except her right in the homestead. If she has nothing, one-third will belong to her, and two-thirds to the children. If the estate does not exceed fifteen hundred dollars, it must all be assigned to the widow and minor children, after payment of expenses of last sickness and expenses of administration.

**Guardianship.** The father is entitled to the custody, services, and earnings of minor children, but he cannot transfer such custody or services to any one except the mother without her written consent, unless she has deserted him or is living separate from him by agreement. If the father is dead, the mother is entitled to the custody of the child. If living separate, neither has claim as of right, and the custody must be awarded by the court. The parents are both liable for support of the minor child or children, the father first, but if not capable for any reason, the mother must assist.

**Miscellaneous.** The husband is the head of the family and may choose any reasonable place of abode. He must furnish support for the wife out of his property or labor. The wife must support her husband if he has no separate property and is unable from infirmity to support himself.

Neither is liable for the wrongful acts of the other, nor for debts of the other contracted before marriage.

A married woman may be an executrix, if named in a will, but she may not act as administratrix. If a woman is appointed executrix or administratrix, marriage extinguishes her authority. Of several persons entitled to administration males must be preferred to females.

A married woman may dispose of all her property by will, and may alter and revoke the same as if she were unmarried.

“Women retain the same legal existence and legal personality after marriage as before, and receive the same protection of all her rights as a woman, as her

husband does as a man. She may appeal in her own name to courts of law or equity for damages to reputation, person, property, character, or any natural right, except to vote or hold office."

**Political Status.** It is provided by the constitution that "until otherwise provided by law, all female citizens of this state, possessing like qualifications of male electors, shall be qualified to vote at school district elections or meetings."

Women vote only for school officers of districts, but not on any other question.

They may vote for members of school boards in cities of the first class if twenty-one years of age and possessing the other required qualifications

Women may hold any office from which the constitution or laws do not specially exclude them

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## OREGON

**Marriage.** Marriage is a civil contract. A legal marriage may be contracted by males at eighteen and females at fifteen years of age. A license must be secured from the clerk of the county where the female resides before the marriage can be solemnized, and consent of parent or guardian is necessary if the man is under twenty-one or the woman under eighteen years of age. There must be two witnesses to the ceremony. Marriages between white persons and negroes or Mongolians of one-fourth or more blood are prohibited and are void. Marriages between first cousins are also void.

**Divorce.** Causes for divorce are adultery, impotency, cruel and inhuman treatment, personal indignities rendering life burdensome, habit of gross drunkenness contracted after marriage or continued one year, conviction of felony, wilful desertion for one year.

A residence of one year before commencement of suit is required. If divorce is granted, the innocent party is entitled to an undivided one-third of all the real estate owned by the other, in addition to any further decree for maintenance which may be given. In actions for divorce the state is a party, and notice must be served upon the district attorney. He shall prevent fraud or collusion, and if defendant does not appear, he shall defend.

Marriages are void for bigamy; consanguinity; or if one party has a fourth or more of negro or Mongolian blood while the other is white, and are voidable for want of legal age, or if consent was obtained by force or fraud and the marriage has not been subsequently ratified.

A wife may bring an action for separate maintenance and custody and support of children without divorce.

Whenever a decree of separation or divorce is given, the court has discretionary power to decree the custody of children, and for alimony for benefit of children and of the innocent party. If the wife is not in fault, the court may order that all of her personal property, in possession or control of her husband, shall be returned to her, and may appoint one or more trustees to care for and manage any sum of money

decreed for the support of the wife and minor children. The wife's name may be changed if she is the innocent party. Neither party may marry again within six months, or while an appeal is pending.

**Property Rights.** December 5, 1853, married women were given power to will property, and by act of October 21, 1878, were given control of property, including wages, if registered as a sole trader.

All property owned by a woman at marriage or acquired afterwards by gift, will or inheritance is her own and is free from her husband's control and from liability for his debts. It is liable for her own debts contracted before or after marriage. She may make all manner of contracts for the benefit of herself or her property, and husband and wife may convey property directly to each other. A wife may dispose of all of her property by will, but she cannot convey her real property unless her husband joins in the conveyance. Husband or wife may constitute the other his or her attorney in fact, to sell, convey or assign dower or courtesy in his or her property for their mutual benefit.

Dower prevails, also courtesy, whether a child has been born or not. If husband or wife dies without a will, and without children or their descendants, the survivor takes the entire estate, both real and personal. If there is a child or children or their descendants, the survivor is entitled to one-half the personal estate, and a life interest in one-half of the real property. The widow may remain in the dwelling house of her husband one year and is entitled to an allowance sufficient to support her and the minor children for one year. The property thus set aside is the widow's

property to be used for the maintenance of herself and minor children. If there is no widow, it belongs to the minor children.

If the provisions of the husband's will are waived, the widow is entitled to the same allowance as if he had died intestate. If the whole estate does not exceed one hundred and fifty dollars, it shall all be set aside for the widow without further administration. A homestead not exceeding fifteen hundred dollars in value, which may consist of one hundred and sixty acres of land, or a block in a city or town, and in no case less than twenty acres of land or one lot, is exempt to the survivor and minor children until youngest child is twenty-one years of age.

**Guardianship.** The rights of parents are equal to the care and custody of minor children. In case of the death of either, the other comes into complete control of person and estate. Either parent may appoint a guardian by will, but cannot deprive the surviving parent of the custody of the person, such surviving parent being competent to transact his or her own business.

**Miscellaneous.** A married woman may carry on any trade or business and sue and be sued as if unmarried, and her earnings are her own if she is registered as a sole trader.

If a wife is not supported, she may apply to the court and the judge has power to issue a decree which may seem to him just and equitable under the circumstances, and may enforce such decree.

Non-support may be punished by imprisonment and the husband be compelled to work on public highway.

or other public work of the county, and the court may pay for the support of wife and minor children, a sum not to exceed one dollar and fifty cents for each day the husband is so employed. The husband may give bond and if the bond is forfeited the amount recovered may be paid to the wife. The wife is a competent witness in cases of non-support and may be compelled to testify.

Expenses of maintaining and educating the family are chargeable to husband and wife jointly or separately.

A husband who assaults or beats his wife may be punished by fine or imprisonment or both, or in the discretion of the court may be sentenced to be whipped with not to exceed twenty lashes.

Women attain majority at eighteen or at marriage, but cannot make a will of real property until twenty-one, though personal property may be bequeathed at eighteen. Marriage revokes a woman's will previously made. Neither husband nor wife can deprive the other of dower in his or her real property.

A married woman may act as executrix or administratrix.

**Political Status** Women were granted school suffrage in 1878. In October, 1880, all laws which imposed or recognized civil disabilities upon a wife, which were not imposed or recognized as existing as to the husband, were repealed, but this law gave her no right to hold office or to vote. November 5, 1912, an amendment to the constitution was adopted, granting full suffrage.

Women were eligible to all educational offices except to the office of county superintendent of schools. They

were not eligible to county offices They are now probably eligible to all offices

Since 1891, women have been admitted to practice law upon the same terms as men.

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### PENNSYLVANIA

**Marriage** A license must be procured in the county where one of the parties resides or in the county where the marriage is to be solemnized The consent of parent or guardian is necessary if either is under twenty-one. This consent must be given personally or in writing attested by two witnesses Marriages according to the rules of any religious society to which the parties belong are valid, but notice of the intention of such marriage must be given a full month before the ceremony The marriage of first cousins is prohibited

**Divorce** Causes for divorce are impotency; adultery, desertion without reasonable cause for two years, when parties are within the prohibited degrees of relationship, when marriage was procured by force, fraud or coercion; bigamy, conviction of felony, and sentence to imprisonment, provided application is made by husband or wife of party so convicted and sentenced, such indignities from the husband to the person of the wife as to render her condition intolerable and life burdensome, and thereby force her to withdraw from his house and family; when the husband has by cruel and barbarous treatment endangered his wife's life, when the wife by cruel and barbarous treatment or indignities to his person, has rendered the condition of her husband intolerable and life

burdensome. A residence of one year is required, except in case of desertion, when application may be made in six months, though the divorce cannot be granted until the desertion has existed two years.

If divorce is secured in another state and the defendant remains here, the divorce is not valid here.

Limited divorce may be obtained, for adultery, abandonment for two years, turning the wife out of doors, cruel treatment and personal indignities, and to a woman who has formerly lived in the state and has subsequently married elsewhere and cause for divorce has since occurred in that state or country, provided that notice is given the husband by personal service or registered letter at his last known address, and that the wife has lived in the state one year next prior to the filing of her bill. An appeal from a judgment in cases of divorce, must be taken within one year.

The party found guilty of adultery cannot marry the person with whom the offense was committed during the life of the former wife or husband. If any woman who has been divorced for adultery, shall afterwards openly cohabit with the person who was her companion in the offense, she is incapable of alienating any of her real property, and after her death the same shall descend, and be subject to distribution, the same as if she had died without a will.

In divorce proceedings, whether the wife is plaintiff or defendant, if she is without sufficient means or property for her support and for expenses of the suit, the court may order the husband to provide a reasonable alimony and sufficient for expenses during the pendency of the action.

No permanent alimony is allowed the wife in case she is granted an absolute divorce from her husband, but in all cases of limited divorce, she may be granted alimony according to her husband's circumstances, provided it does not exceed one-third of his annual income from property, or of his occupation or labor. If the husband secures a divorce for cruel or barbarous treatment, the court may allow such alimony to the wife as may be deemed just and proper. Dower and courtesy are both barred by absolute divorce.

In case of limited divorce, because of adultery of the husband, there may be allowed to the wife one-half of the value of all property which came to the husband through or by the marriage, in addition to such alimony as may be granted in cases of limited divorce for other causes.

Marriages are void if parties are within the prohibited degrees of consanguinity or affinity, or if either had a former husband or wife living.

**Property Rights** April 11, 1848, married women were given power to will property and to control it, but this provision was embodied and broadened in the Married Woman's Property Act of 1887, which declares that "hereafter marriage shall not be held to impose any disability on, or incapacity in married women, as to the acquisition, ownership, possession, control, use or disposition of property of any kind in any trade or business in which she may engage . . . but every married woman shall have the same right to acquire, hold, possess, improve, control, use or dispose of her property real and personal, in right and in expectancy, in the same manner as if she were unmar-

ried " The act also declared that a married woman may dispose of all her property by will These provisions and others removing common law disabilities from married women were more satisfactorily re-enacted in 1893

All property owned by a woman at marriage, or acquired by her afterwards in any way, constitutes her separate property, and the law now states that "a married woman has the same power as an unmarried person to acquire, own, possess, control, use, lease, sell or otherwise dispose of property of any kind, real, personal or mixed, and either in possession or expectancy, and may exercise the said right and power in the same manner, and to the same extent, as if she were unmarried."

She may will her property or contract in any way concerning her separate estate, but she cannot by contract, will, or deed, deprive her husband of his right of courtesy in her real property The husband must join in all conveyances or mortgages of her real estate.

Her separate earnings whether from wages for labor, salary, property, business or otherwise, belong to her for her separate use and benefit and are under her control, and are not subject to any claim or debt of her husband In order to secure her earnings she must file a petition claiming the benefit of this law Prior to the acts of 1887 and 1893, a wife's earnings belonged absolutely to her husband.

While a wife may not convey or mortgage her real estate unless her husband joins in the deed or mortgage, the husband is not thus restricted He may convey or mortgage real property without the signature

of the wife, but such conveyance will not defeat the wife's dower estate after the husband's death, nor would a mortgage deprive her of dower, unless it is foreclosed, and the property is sold under judgment while the husband is living.

Dower and courtesy both exist. Upon the death of the husband, the widow, if there is a child or children, is entitled to a life interest in one-third of the real property and to one-third of the personal estate absolutely. If there are no children, but collateral heirs or other kindred, the widow is entitled to real or personal property, or both, to the value of five thousand dollars, in addition to the widow's exemption, which is three hundred dollars.

If the estate shall exceed the value of five thousand dollars, the widow takes five thousand dollars absolutely, to be chosen by her from the real or personal estate or both, and in addition thereto one-half of the remaining real estate for life and one-half of the remaining personal estate absolutely. If the husband has conveyed real estate to which the wife has not relinquished her dower right, she is also entitled to a life interest in one-third of that.

Upon the death of the wife the husband takes a life interest in all of her real estate, whether there are children or not. If there are no children he is entitled to all of the personal property absolutely. If there is a child or children, the personal estate is divided share and share alike between husband and children. If there are no children, nor collateral heirs, the surviving husband or wife takes the entire estate, both real and personal, absolutely.

Both husband and wife have the privilege of electing whether they will accept the provisions of a will made by the other, or under the statute.

**Guardianship.** By act of June 26, 1895, the mother was made equal guardian with the father of her minor child, providing she contributes by her labor or otherwise to its support, provided also that she is "qualified as a fit and proper person to have the control and custody of such child." The father has the right to appoint a guardian of the person and estate of a minor child, by will, without the mother's consent. This right is forfeited if he neglects to provide for the child for one year or upwards previous to his death. A mother may appoint a guardian by will, if she leaves an estate to the child, and if the father is dead and has not appointed a guardian, or if the father has neglected or refused to provide for wife and children or has deserted them, or when she has been appointed guardian by the will of her husband, she may by will appoint a successor to such guardianship. If the father of a minor child has not contributed to its support for a period of six months, or where the mother is charged by law with the support of such minor, the mother has the same right to the services of such minor, and the same right to be compensated for loss of services, as are possessed by the father.

**Miscellaneous.** The father must support his minor child if he has ability to do so, even though the child may have property of its own.

The mother is not obliged to support a minor child if such child has an estate, unless the child would otherwise become a public charge.

Husband and wife are both liable for necessaries for family use. The wife is liable for the support of her husband if he is likely to become a public charge.

A married woman may sue and be sued alone, but husband or wife cannot sue each other except in proceedings for divorce or to recover separate property.

A wife may loan money to her husband and take security for it as from any other person.

A married woman may carry on a separate business, if authorized by the court to become a sole trader, but she cannot be an accommodation endorser, maker, guarantor or surety for another.

Husband or wife may testify in proceedings for desertion or for maintenance, or in criminal proceedings against either for bodily injury upon the other.

Every person twenty-one years of age may make a valid will. Marriage revokes a woman's will previously made.

In the appointment of administrators between persons entitled thereto, males are preferred, and a husband shall be entitled to administration upon the estate of his wife in preference to all other persons.

A wife may administer her husband's estate, but her appointment is dependent upon her ability and fitness for the position.

No assignment of wages, to secure a loan of two hundred dollars or less, shall be valid if made by a married man, unless the consent of his wife in writing is attached thereto.

**Political Status.** Women have no suffrage in Pennsylvania.

They are eligible to the office of notary public, com-

missioner to take acknowledgments of deeds and instruments under seal, overseer of the poor, and women twenty-one years of age and upwards are eligible to any office of control or management under the school laws of the state.

“A competent number of persons of an honest disposition” may be admitted to practice law. Held by several decisions that women may be admitted. Since 1893 women have been eligible to appointment as notaries public.

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### RIHODE ISLAND

**Marriage.** Before a marriage can be solemnized a license must be procured in the county where the parties reside. If they are non-residents the license must be issued in the county where the marriage is to take place. If one or both are minors, the consent of parent or guardian is necessary, but if any person over eighteen years of age has no parent or guardian within the state competent to act, a license may be issued to such person without consent. There must be at least two witnesses to the ceremony besides the person officiating.

Ministers and others authorized by law to perform marriages must first secure a special license in the county of their residence.

Marriages are prohibited between relatives by consanguinity or affinity nearer than first cousins, but exception is made in the case of Jews, who are permitted to marry within the relationships allowed by their

religion. Marriages of Jews or Quakers according to their own special forms and usages are valid.

**Divorce.** Either absolute or limited divorce may be granted for any of the following causes. adultery, impotency, extreme cruelty, wilful desertion for five years, or for a shorter period, in the discretion of the court; living entirely separate for ten years, continued drunkenness, the habitual, excessive, and intemperate use of opium, morphine or chloral, such absence or other circumstances as raises the presumption of natural death, neglect or refusal of the husband, being of sufficient ability, to provide necessaries for the wife, gross misbehavior or wickedness repugnant to and in violation of the marriage contract; a marriage void or voidable at law from its celebration. A limited divorce *✓* be given for such other causes as may appear to the court to require the same. The petitioner must have resided in the state two years, unless the defendant has been an actual resident for two years next before filing of the petition.

When divorce is granted for fault of the husband, dower may be allowed as in case of his death. If the divorce is granted for fault of the wife, the husband may have a life estate in all of her lands, subject to the allowance decreed to her by the court. An innocent wife may be allowed alimony not exceeding one-half of her husband's personal estate, and the use of half his real estate, in addition to all of her own separate personal and real estate, which must be restored to her free from her husband's control. Custody of children may be awarded to either party, as the court

may deem best for the child, and the wife's name may be changed.

No decree becomes final until six months after the decision, and during that time neither party can marry again.

Marriages are void for bigamy, mental incapacity, and if parties are within the prohibited degrees of relationship.

**Property Rights.** Married women have had power to will property since January, 1856. An act of May 26, 1893, gave them control of separate property, including wages.

All property which belongs to a woman at marriage, or which may become her property after marriage, or which may be acquired by her own industry, including damages recovered in suits for her benefit, and compensation for her property taken for public use, and the proceeds of all such property, shall be and remain her sole and separate property, free from control of her husband. Such property is not liable for the contracts or debts of her husband, but it is liable for all of her own debts whether incurred before or after marriage.

She may make all manner of contracts concerning her separate estate, and may sell, encumber, and convey it as freely as if unmarried, except that she cannot deprive her husband of his interest in her real property unless he joins in the conveyance or encumbrance. A married woman may sell and convey directly to, or may take directly from her husband or any other person, any estate or interest in any real or personal property in the same manner and with the same effect as if she were single.

If she is twenty-one she may will her real property,

and her personal property if she is eighteen, but she cannot deprive her husband of his right to courtesy by will, nor of his right to administer without account upon her personal estate undisposed of by will.

Upon petition and showing of facts the court may confer power upon either to dispose of real property, if one has abandoned the other or is imprisoned.

A married woman may carry on any trade or business as if single, but she cannot enter into any trade or partnership with her husband.

A wife's separate estate is not liable for necessaries unless she voluntarily pledges such property. Her husband may legally collect the rents, income, and profits of her property, unless she gives a written notice to her debtor, lessee or any corporation in which she holds stock, to pay only to herself.

Dower and courtesy both prevail. Upon death of the husband, if there are children or their descendants, the widow is entitled to a life interest in one-third of all her husband's real estate, to which dower has not been relinquished or barred, and to one-third of his personal estate absolutely. If there is no surviving issue, the widow takes one-half of the personal property. Upon death of the wife the husband is entitled to a life interest in all of her real property and to all of her personal property absolutely. The husband is entitled to administer upon his wife's estate without account, and retains the surplus of her personal estate after payment of debts. If there are no descendants, nor paternal nor maternal kindred to inherit, and husband or wife dies without a will, the survivor takes the entire estate absolutely after payment of debts.

The wearing apparel of the widow and children be-

long to them respectively. The widow is also entitled for herself and for her children, or the family under her care, to such household effects and supplies and such other articles of personal property of the husband as are exempt, as the court shall deem necessary, having regard to all the circumstances of the case, or if there is no widow, the minor children are entitled to the same allowance. An additional allowance may be given, sufficient to support the family until they can otherwise be provided for, not exceeding six months from the death of the decedent. If the personal estate is not sufficient, real estate may be sold to provide the allowance.

If there are no children living the court may set off enough of the real estate in addition to the widow's dower, as may be sufficient for her support, and she may hold this the same as dower upon the same conditions and for the same time. The widow may remain in the mansion house of her husband twelve months without paying rent.

If provision has been made for a widow by her husband's will, in lieu of dower, she may decline the provisions of the will and take under the law.

**Guardianship.** The father is the natural guardian of his minor child, but upon the death of either, the surviving parent, if otherwise qualified, shall be entitled to the guardianship. The mother has the right to the custody and earnings of minor children if the father has deserted her, or fails to provide, or is imprisoned.

**Miscellaneous.** Until 1893 a married woman could not conduct business as a sole trader nor control her wages.

The husband must furnish support for wife and family according to his position in society and his ability. Non-support is punishable by fine or imprisonment.

“Whenever it shall come to the knowledge of the state probation officer that the family of the prisoner serving sentence for non-support is in destitute circumstances he may . . . contribute to the support of such destitute family during the duration of such sentence.” The state makes an appropriation for this purpose.

The husband is not liable for civil injuries committed by the wife before or after marriage, unless he participates therein or coerces her.

Either husband or wife may act as agent or attorney for the other.

A married woman may be, give bond as, and exercise the powers of trustee, when appointed by deed; or of executrix, trustee or guardian when appointed under a will or by a court of competent jurisdiction; in the same manner and with the same rights and liabilities as if she were unmarried, and irrespective of the time of her marriage. She may sue and be sued alone.

Neither husband nor wife can adopt a child without the consent of the other.

Every person of sound mind who is twenty-one years of age may make a will of real property. Personal property may be disposed of by will at eighteen. Marriage revokes a will of either man or woman.

**Political Status.** Women have no general or special suffrage in this state.

They are not eligible to any civil office, except that

they may be members of school committees. Qualified electors are the only persons who may hold such offices.

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### SOUTH CAROLINA

**Marriage.** A license must be procured, but cannot be issued in any case where the man is under eighteen or the woman under fourteen years of age. If either is under eighteen, the consent of parent or guardian must be given in writing. Marriages between white persons and negroes or Indians are prohibited and are void.

**Divorce.** No divorce has ever been granted in this state. The constitution provides that "divorces from the bonds of matrimony shall not be allowed in this state." Marriages are void for consanguinity; mental incapacity; lack of consent; bigamy; and between white persons and negroes. Absence unheard of for seven years justifies a second marriage.

**Property Rights.** Power to control property and to will it was conferred on married women January 27, 1870. The control of wages was given by an act of December 24, 1887.

All property, real and personal, owned by a woman at time of marriage, and all acquired afterwards in any way, including wages or earnings and income from property, constitutes her separate estate. It is free from her husband's control and is not liable for his debts. She may sell, convey, encumber or dispose of it by will as freely as if she were unmarried, and she may deal with it in every respect as if she were a single

woman. A deed or gift from husband to wife is valid provided it is not in fraud of creditors. The wife may bind her separate estate by conveyance, mortgage or other formal instrument, whenever the intention to charge or convey is plainly expressed in the instrument.

Courtesy was abolished in 1883, but dower still exists. The statute provides a distributive share in lieu of dower and courtesy. If husband or wife dies leaving children and no will, the survivor is entitled to one-third of the entire estate, both real and personal, absolutely. If there are no children nor their descendants, the survivor takes one-half the estate. If there are no descendants, father, mother, brother, sister, child of brother or sister, or lineal ancestors, the survivor receives two-thirds of the estate, and the remaining one-third goes to the next of kin. If there is no kindred to inherit, the survivor takes the whole estate.

A widow may elect to take either her dower in all the real estate owned by her husband during the marriage, which she has not relinquished by joining in conveyances with her husband, or the share secured to her by statute. If her husband has conveyed property to which she has not relinquished dower, she must claim it within ten years of her husband's death.

The survivor and minor children are entitled to a homestead not exceeding one thousand dollars in value and personal property not to exceed five hundred dollars. The survivor has a right to occupy the homestead during life. Upon death of the survivor, or when the youngest child is twenty-one years of age, it may be divided among the children.

**Guardianship.** The father of any child or children under twenty-one years and not married, whether born before or after the death of such father, or the mother of any such child or children, the father being dead, whether such father or mother be under the age of twenty-one years, or of full age, may by his or her deed or will, dispose of the custody and tuition of such child or children until they are twenty-one years of age.

**Miscellaneous.** The law demands that the husband shall provide a suitable support for his wife, and if he fails to do it, any one may supply her with necessaries and the husband and his property will be liable for all such obligations. The wife cannot be compelled to support either herself or the family.

Any able-bodied man who shall, without just cause, abandon or fail to supply the actual necessities of life to his wife or minor child or children, is guilty of a misdemeanor, and may be fined or imprisoned or required to give bond with surety, to support his wife and children.

A married woman cannot be an endorser for her husband, neither is she liable on a note made by her and endorsed by him.

A married woman may make a will as if single. Marriage revokes a will of either a man or a woman previously made, unless it was made in contemplation of marriage, and provides for wife or husband and children.

A married woman may act as executrix or administratrix.

**Political Status.** Women have no right of suffrage

in South Carolina and are not eligible to any office except that of librarian, the constitution providing that none but qualified electors are eligible to any other offices in the state.

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## SOUTH DAKOTA

**Marriage.** Marriage is a personal relation arising out of a civil contract. The legal age for marriage is eighteen for males and fifteen for females. If either party is a minor, the written consent of parent or guardian is necessary. A license must be procured in the county where the marriage is to be solemnized. Marriages between first cousins and between white persons and negroes are prohibited and are void.

**Divorce.** A divorce may be secured for any of the following causes: adultery; extreme cruelty; wilful desertion for one year; habitual intemperance for one year; conviction for felony. A residence of one year is necessary before action can be commenced, if cause arose outside of the state, unless the parties were married in the state and the plaintiff has resided here continuously until beginning suit, when action may be begun at once. If cause of action arose in the state, action may be commenced at any time after plaintiff has resided in the state six months. When divorce is granted for adultery, the guilty party cannot marry again during the life time of the other. No divorce will be granted upon the uncorroborated statement of either party, but other evidence will be required.

Alimony pending the suit, and at final decree permanent alimony, may be decreed, but if the wife has a

sufficient maintenance from her separate estate, the court may withhold any allowance out of the estate of the husband.

The homestead may be assigned to the innocent party for a limited period or for life, and custody of children given to either, as may seem best for the child.

The disposition of the homestead by the court and all orders and decrees relating to alimony and maintenance of the wife, and the custody, education, and support of children are subject to revision in all particulars, on appeal.

A marriage may be annulled for impotency at time of marriage; non-age without consent of guardian, when either party had a wife or husband living at time of marriage; when either party was of unsound mind, when consent was obtained by force or fraud.

**Property Rights.** January 12, 1866, married women were given control of property and power to will it. An act of January 13, 1871, gave her control of wages, but only if living separate from her husband, or if her husband fails to support her.

The constitution provides that the real and personal property of any woman in this state acquired before marriage, and all property to which she may after marriage become in any way rightfully entitled, shall be her separate property, and shall not be liable for the debts of her husband. She may will it, or may encumber or convey it as freely as if unmarried, and without her husband's consent. It is liable for her separate debts, whether incurred before or after marriage, and may be liable for family necessaries. Husband and wife may hold and own real property jointly.

The statute plainly states that "the wife shall have and retain after marriage all the civil and property rights of a single woman."

She may buy and sell, receive, convey or otherwise dispose of any real or personal property belonging to her, or in which she may have an interest, without joining with the husband except in case of the homestead. And for any injury to her reputation, person or property, she may sue in her own name without joining her husband, and in like manner actions founded upon her separate contracts, or torts, or relating to her individual property, may be brought against her without joining the husband as a party defendant. "This shall not be construed as conferring upon married women the right of suffrage or of holding office except as otherwise provided by law "

A married woman may file an inventory of her personal property and have it recorded, which is notice and *prima facie* evidence of her ownership

If either husband or wife abandons the other for one year, and removes from the state without providing for the maintenance of his or her family, or is sentenced to the county jail or state prison for one year or more, the court may, on application, authorize him or her to manage, control, sell or encumber the property of the said husband or wife for the support of the family, providing the other party shall be notified of the action.

Dower and courtesy have been abolished. Upon the death of either husband or wife, without a will, the survivor is entitled to one-half of the estate if there is only one child or if there are no children. If there is

more than one child the survivor takes one-third of the estate. If there are no children, nor father, mother, brother or sister, the entire estate passes to the surviving husband or wife. The survivor is also entitled to the homestead, which may be one hundred and sixty acres of land, not exceeding five thousand dollars in value, or one acre in a town, and all wearing apparel, household furniture, and all other exempt personal property and an allowance of provisions or money sufficient to support the family for one year.

All property or allowance set apart shall belong absolutely to the survivor if there are no children. If there is one child, it belongs equally to the survivor and child. If there is more than one child, one-third belongs absolutely to the survivor. If the personal estate does not exceed fifteen hundred dollars the whole, after payment of funeral expenses and expenses of the last sickness, must be set aside for the widow and minor child or children. If the widow has a maintenance from her separate estate equal to the portion set apart for her, the whole property must go to the minor children except her right in the homestead.

**Guardianship.** The father is entitled to the custody, services, and earnings of his minor child, but neither custody nor services can be transferred without the written consent of the mother, unless she has deserted her husband or is living separate from him by agreement. If the father is dead, or is unable or refuses to take the custody, or has abandoned his family, the mother is entitled thereto. The father may appoint a guardian by will with the written consent of the mother, or by either parent if the other is dead or incapable of consenting.

The husband and father, as such, has no rights superior to those of the mother in regard to the care, custody, education, and control of the children of the marriage, while such husband and wife live separate and apart from each other. The court may appoint either, the best interests of the child being considered, but other things being equal, if the child be of tender years it should be given to the mother. If of an age to require education and preparation for labor or business, then to the father.

**Miscellaneous.** The husband is the head of the family and may choose any reasonable place or mode of living and the wife must conform thereto.

The parents must support their minor children. If the support which the father is able to give is inadequate, the mother must assist to the extent of her ability.

The husband must support his wife from his property or labor, but if he has not deserted her, and has no property, and is too infirm to support her by his labor, the wife must support him out of her separate property.

Since February 21, 1896, a married woman is liable for necessaries for the family purchased on her own account to the same extent that her husband would be liable for similar purchases.

A married woman may follow any profession and engage in any business and may make all manner of contracts. She may sue and be sued alone as if unmarried.

Either husband or wife may contract with the other and all such contracts or business transactions are as valid between them as between others.

A married woman may act as executrix if named in the will, but she cannot act as administratrix, and if appointed while unmarried her subsequent marriage extinguishes her authority. When males and females are equally entitled to appointment as administrator, preference must be given to males

Every person over eighteen years of age may make a valid will. Wills made by either men or women are revoked by marriage

Every estate and interest in real and personal property to which heirs, husband or widow or next of kin might succeed, may be disposed of by will

A husband cannot be witness for or against his wife without her consent, nor a wife for or against her husband without his consent, except in civil proceedings by one against the other, or in criminal actions for a crime committed by one against the other, including cases of bigamy and adultery

Males attain majority at twenty-one, females at eighteen

**Political Status.** In 1887 women were granted school suffrage, and when the territory became a state, the constitution provided that "Any woman having necessary qualifications as to age, residence and citizenship and including those now qualified by the laws of the territory, may vote at any election held solely for school purposes, and may hold any office in the state, except as otherwise provided in this constitution."

State superintendent of schools and county superintendents are elected at the general elections, therefore women cannot vote for these school officers

Women may be admitted to practice law.

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TENNESSEE

**Marriage.** The age of consent to marriage is fourteen for males and twelve for females. No particular form is necessary. It is sufficient if the parties declare in the presence of the person performing the ceremony and of two witnesses that they take each other to be husband and wife. The marriage cannot take place until a license is obtained from the clerk of the county where the woman resides, or where the marriage is to be solemnized. Before such license is issued, the clerk must take a bond payable to the state for twelve hundred and fifty dollars. If there is no lawful cause which should prevent the marriage this bond is void. If there is some legal impediment, whoever may be aggrieved by the marriage may sue for the penalty. No license will be issued if either party is under sixteen, without the written consent of parent or guardian.

Marriages between white persons and negroes, mulattoes or persons of mixed blood, descended from a negro to the third generation, are prohibited.

**Divorce.** Causes for divorce are impotency, adultery, when former husband or wife is living, wilful desertion for two years; conviction of infamous crime, or felony; attempt by either upon the life of the other by poison or other means showing malice, refusal of wife to remove with her husband to this state, without reasonable cause, and wilfully absenting herself from him for two years, that the wife was pregnant at time of marriage by another person without the knowledge of her husband; habitual drunkenness of either, if habit has been contracted after marriage.

Divorce from bed and board may be granted or from the bonds of matrimony, at the discretion of the court, if the husband is guilty of such cruel and inhuman treatment or conduct towards the wife as renders it unsafe or improper for her to be under his dominion and control; when he has offered such indignities to her person as to render her condition intolerable, and thereby forced her to leave him, if he has abandoned her or turned her out of doors and refused or neglected to provide for her. 'Two years' residence is necessary next prior to filing the petition. A decree of divorce in another state to a citizen of this state who has temporarily transferred his residence there, will not be recognized here

The court may decree alimony and suitable support for wife and minor children, whether divorce is absolute or limited, and may decree to the wife such part of the husband's real and personal estate as it may deem proper. In doing this the court may have reference to the property which the husband received by his wife at the time of marriage or afterwards, as well as to the separate property secured to her by marriage contract

If the divorce is obtained by the husband, his interest in her lands is not affected, but if she survives him she cannot claim dower nor any interest in his personality. If divorce is granted because of the wife's adultery, if she afterwards lives openly with her accomplice, she cannot alienate any of her lands either directly or indirectly, and after her death they descend as if she had died without a will. If divorce is obtained for fault of the husband, the homestead goes to the wife and after her death to the children.

When a marriage is absolutely annulled the parties are at liberty to marry again, but a defendant who has been guilty of adultery may not marry the person with whom the crime was committed.

Marriages may be declared void for consanguinity; mental incapacity; non-age; if consent was obtained by force or fraud; if former husband or wife is living; and between white and colored persons.

**Property Rights.** An act of March 2, 1870, provided that a married woman might control her property, but only by a marriage settlement, and this act also conferred power to will it. By Code of 1884 she was given control of personal earnings or wages.

At marriage a wife's personal property goes to her husband and he controls it absolutely. It is liable for the wife's ante-nuptial debts, but not for debts of the husband incurred before marriage. It is liable for his debts contracted after marriage, and for debts incurred by the wife for necessaries. He may dispose of it by will, and if he dies without a will it is part of his estate and is distributed the same as his other personal property.

Any real estate owned by the wife at marriage or acquired afterwards by gift, devise, descent or in any other way is not liable for debts or contracts of the husband during her life, nor can he sell it unless she joins in the conveyance.

While the husband is entitled to the rents and profits of her real estate, such rents and profits cannot be taken for his debts, unless the wife consents in writing.

When a husband has abandoned his wife or driven her from his home, or if the wife has left her husband and is living separate from him in consequence of

abuse or ill treatment, property acquired by her after such separation in any way shall not be subject to his debts, unless she shall again live with him, nor can he interfere with or dispose of such property while the separation continues. If a husband is insane, a wife may acquire, hold or convey real and personal property. She may contract and be contracted with regarding the same, and it will not be liable for the husband's debts.

Married women over twenty-one who have abandoned their husbands or whose husbands have abandoned them, or are insane, have the same power to dispose of their property by will, deed or otherwise as is possessed by unmarried women.

If the wife has a separate equitable estate held in trust for her, it is only so far subject to her husband's control and debts as the instrument creating the trust may authorize, and she may dispose of this trust estate by deed or will the same as if unmarried, provided the power of disposition is not expressly withheld by the deed or will through which she holds the property. The deed, will or other instrument creating a trust estate for the benefit of a married woman must be registered or recorded.

A married woman may will her separate real estate, but cannot deprive her husband of his right to courtesy.

Dower and courtesy are both in force. Upon death of the husband the wife takes a dower or life interest in one-third of his real property and a child's share of his personal estate. If there are no children, she takes all of the personal estate after payment of all claims. If the husband has made provision for the wife by will,

she may elect whether she will take such provision, or that provided by law.

Upon death of the wife, the husband is entitled to courtesy or a life estate in all of her real property.

In event of the death of either husband or wife, if there are no children or other heirs, the survivor takes the entire estate, both real and personal.

During administration or until dower is assigned, the widow is entitled to all personal property of her husband, including growing crops, and may use such portion of it, including provisions on hand as may be necessary for support of herself and minor children. She is also entitled to an allowance from the assets of the estate sufficient to support her for a year. All exempt property, including the homestead, not exceeding one thousand dollars in value, shall be exempt to the widow, and shall be her absolute property, and cannot be taken into account of the administration. If there is no widow the exempt property shall be exempt to minor children under fifteen.

**Guardianship.** The father is the guardian of his minor children, and may appoint a guardian during any part of infancy by deed or will, and such guardianship shall be over the child and his property. If the mother is abandoned without cause, she may be appointed guardian by the court, but she cannot appoint by will.

**Miscellaneous.** Whenever any married woman employed, is dependent upon her wages, salary, or other compensation, for the support of herself and minor children, and so notifies her employer in writing, it shall be unlawful for said employer to pay her wages,

salary or other compensation to any other person. If payment is made to another it is void, and such married woman may bring action to recover the same in her own name without joining her husband or next friend. (Act of February 2, 1911.)

When married women are engaged in the mercantile or manufacturing business in their own names or by an agent, or as partner, they shall be liable for the debts incurred in the conduct of the business as if they were unmarried.

Abandonment of wife or children under twelve years of age is a misdemeanor, punishable by fine or imprisonment or both, and the wife is a competent witness against the husband.

**Political Status.** Women have no suffrage in this state, and they hold few offices, although there is no specific prohibition against holding office. They are eligible to the office of county superintendent of schools and that of state librarian, and may be admitted to practice law.

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## TEXAS

**Marriage.** Marriage is a civil contract, requiring capacity to contract and mutual consent. A license is necessary, but if the clerk has any doubt in his mind in regard to the age of the applicants, before issuing the license he must require a certificate in writing and under oath from parent, guardian, or some person other than the contracting parties, that the man is not under twenty-one or the woman under eighteen years of age. Marriages of males under sixteen or females under fourteen are absolutely void.

Marriages between white persons and negroes are prohibited

**Divorce.** Causes for divorce in favor of the husband are: when the wife commits adultery or has voluntarily left him for three years with intention of abandonment.

In favor of the wife, when the husband has abandoned her and lived in adultery with another, and if he abandons her for three years with intention of abandonment. In favor of either for such excesses, cruel treatment or outrages as render living together insupportable; conviction of felony after marriage, except when conviction was on testimony of the plaintiff and unless a pardon is secured within twelve months of the conviction. The plaintiff must be an actual resident of the state and for six months a resident of the county where the suit is brought. The court has discretionary power as to the custody of minor children and division of the property.

As a general rule separate property is to be restored to its owner, or it may be placed in the hands of a trustee and the rents or income paid to husband, wife or children as the court may direct. Community property may be divided. If this is not decreed, suit may be brought afterwards to compel a division.

The court has no power to compel either to transfer separate real estate to the other.

After decree of divorce either party may marry again.

**Property Rights.** January 28, 1840, married women were given power to will separate property, but the husband still has control of the wife's property, including her wages, during the marriage.

All property of every kind owned by either husband or wife at time of marriage, and all acquired by either after marriage, by gift, devise or descent, including the increase of all real property, constitutes the separate property of each.

All property acquired by either or both in any other way after marriage is community property belonging equally to both. The husband has absolute control of all community property, and may dispose of it during the marriage without the wife's consent. He also has control and management of the wife's separate property during marriage, but he cannot convey her real property unless she joins in the deed of conveyance. Nor can he pledge or mortgage it or subject it to the payment of debts. Community property is liable for debts of both husband and wife incurred after marriage.

The wife's separate estate is not liable for debts of her husband. It is liable for her own debts contracted before marriage.

The wife may contract for the benefit of her separate property. She may also contract for necessaries for the family, if the husband fails for any cause to furnish them, and husband and wife may be sued jointly on such contracts. They are a lien first on community property, but if this is insufficient to satisfy them the wife's separate property may be taken on execution.

A married woman may convey or mortgage her property as security for her husband's debts. If the husband fails to support wife or children properly from the proceeds of the land she may have, or as her circumstances may justify, she may complain to the

court, which may decree that so much of her proceeds shall be paid to her for the support of herself and the education of her children as the court may deem necessary.

In order to hold her separate property it must be recorded, and personal property must be inventoried and also recorded. Such record is notice of ownership.

Formerly a wife could become a merchant, but she was obliged to conduct the business with goods which were her separate property. She could not purchase on credit but was obliged to buy for cash, and be ready to show that the funds used were her own. She could not invest community funds, but the profits were community property.

By an act of March 13, 1911, a married woman may petition the court to remove her disabilities, and declare her a *femme sole* for mercantile and trading purposes. The husband must consent and must join in the petition. Upon hearing of the petition and evidence, "if it should appear to the court that it would be to the interest and advantage of the said married woman so applying, then said court shall enter its order or decree declaring said married woman *femme sole* for mercantile and trading purposes, and thereafter the said married woman may, in her own name, contract and be contracted with, sue and be sued, and all of her separate property, not exempt from execution under the exemption laws of Texas, shall thereafter be subject to her debts and liable under execution therefor, and her contracts and obligations shall be as binding on her as if she were a *femme sole*. Provided, however, that no married woman shall convey or en-

cumber her separate real property except as now provided by law."

If the husband has deserted his wife, or is separated from her, or is in the penitentiary, she may manage separate and community property and make contracts as if unmarried.

Either husband or wife may dispose of his or her separate property by will, but neither can deprive the other of homestead rights.

There is neither courtesy nor dower. Upon death of either husband or wife, the survivor is entitled to one-half of the community property, or if there is no issue, to the whole of it. If there are children or their descendants living, the survivor takes one-third of the separate personal estate absolutely and a life interest in one-third of his or her real property. If there are no descendants, the survivor takes one-half of the real estate and all of the personal estate absolutely. If there are no descendants, nor father, mother, brother or sister or their descendants, the surviving husband or wife takes the whole estate, both real and personal.

The widow and minor children, if they have not separate property, or property in their own right adequate for maintenance, are entitled to an allowance sufficient for their support for one year, not to exceed one thousand dollars. The widow and children are also entitled to a homestead not to exceed five thousand dollars, and exempt personal property to the value of five hundred dollars absolutely. The husband has a right of occupancy in the homestead, after death of the wife. After his death it descends to his heirs.

**Guardianship.** If the parents live together the

father is the natural guardian of the persons of minor children, and is entitled to be appointed guardian of their estates. If they do not live together their rights are equal and guardianship may be assigned to either for the good of the children. If either parent is dead the other is the natural guardian, and is entitled to be appointed for the estate also, and may appoint a guardian by will.

**Miscellaneous.** A woman is of age at marriage, and may make a will and convey property, though under twenty-one.

A married woman may act as administratrix, executrix or guardian.

If a married woman deposits money in a bank, although such money may be her own, she cannot draw it out without consent of her husband, but it is payable on his individual check. If it should be paid to the wife by the bank without the husband's consent, he can compel the banker to pay it again to him.

**Political Status.** Women have no right of suffrage in Texas. They are not expressly excluded from holding office generally, and when the question arose as to the eligibility of a woman to be deputy county clerk it was decided in her favor. Women have apparently not attempted to hold office. They are probably eligible to appointment as notaries public and to admission to practice law, since no special qualifications are required in either case.

## UTAH

**Marriage.** Males who are sixteen years of age or over and females who are fourteen may contract a legal marriage. A license must be procured, and if the man is under twenty-one or the woman under eighteen, the consent of parent or guardian is necessary, either personally or in writing, verified by two witnesses.

Marriages which are legal where solemnized are legal here. Marriages are prohibited between white persons and negroes or Mongolians

**Divorce.** Causes for divorce are adultery; impotency, extreme cruelty; wilful desertion for more than one year, habitual drunkenness: conviction of felony, extreme cruelty; wilful neglect to provide the necessities of life; permanent insanity. Actual residence of one year is required

When decree of divorce is given, the court may make such order in relation to the children, property, parties, and maintenance of the parties as may be equitable. If children are ten years of age or over and are of sound mind, they may select to which of the parents they will attach themselves.

A decree of divorce becomes absolute in six months from date of entry, unless appeal is pending, or unless the court, for good cause, otherwise orders. The parties cannot marry again during this time. When divorce is decreed the guilty party loses all rights acquired by marriage.

The wife may be given separate maintenance without divorce, if her husband has deserted her or neglects to

provide for her, or is imprisoned in the penitentiary for one or more years

Subsequent changes or new orders may be made by the court in respect to the disposal of the children, or the distribution of the property, as shall be reasonable and proper.

Marriages are void for consanguinity; bigamy, mental incapacity, and between white persons and negroes or Mongolians. The court may declare a marriage void if obtained by force or fraud, or for non-age of either party.

**Property Rights.** February 16, 1872, married women were given control of property February 18, 1874, power to will property was granted, and August 1, 1884, they were given control of wages

All property of every kind owned by a woman at marriage, or acquired by her afterwards in any way, is her separate property, and is not liable for debts or obligations of her husband.

She may manage, control, convey or dispose of it by will as freely as if she were unmarried. She may carry on any trade or business with reference to her separate estate, and may receive wages for her personal labor, and maintain an action therefor in her own name and hold the same in her own right, and may prosecute and defend all actions for the preservation and protection of her rights and property as if unmarried.

Neither husband nor wife is liable for the debts of the other incurred before marriage, nor for the debts of each other contracted after marriage, nor are the wages, earnings or property of each other, nor the rent

or income of the property of either liable for the separate debts of the other

The expenses of the family and education of the children are chargeable upon the property of both husband and wife, or either of them, and in relation thereto they may be sued jointly or severally. Neither can remove the other from the homestead without the consent of that other, unless the owner shall provide another suitable homestead. No conveyance of the homestead is valid unless husband and wife join in the conveyance.

Should husband or wife obtain possession of property of the other before or after marriage, the owner may maintain an action therefor as if unmarried

Dower and curtesy are abolished. If either husband or wife dies intestate and there is one child or the issue of one child living, the survivor is entitled to one-half of the entire estate, both real and personal. If more than one child or one child and the issue of one or more children are living, one-third of the estate goes to the survivor.

If there are no children, but other heirs entitled to inherit, one-half of the estate goes to the survivor unless it is valued at less than five thousand dollars, when the survivor will take it all. If the value is more than five thousand dollars, the survivor will take five thousand dollars and one-half of the excess. If there are no children, father, mother, brother or sister living, the survivor takes the whole estate.

The homestead to the value of two thousand dollars, and an allowance of two hundred and fifty dollars additional for each minor child, and all exempt personal

property belongs to the surviving husband or wife and minor children

If there are no children it goes absolutely to the survivor. If there is no surviving husband or wife, the minor children are entitled to homestead and exemptions. If the survivor marries again, the homestead and exempt property may be divided and one-half will go to the children. The value of all exemptions will be deducted in estimating the value of distributive shares.

If the whole estate does not exceed fifteen hundred dollars, the court may assign one-half to the survivor and one-half in equal shares to minor children, after payment of expenses of last illness, funeral charges and expenses of administration. If the survivor or minor children, or either of them, has a separate estate, or property in their own right, such person or persons may be excluded from the distribution of fifteen hundred dollars.

**Guardianship.** The father, if living, if not, the mother is guardian of minor child or children. The father, with the written consent of the mother, or either parent if the other parent is dead, or incapable of acting, may appoint a guardian by will or deed. If a husband abandons his wife she is entitled to custody of the children unless a court orders otherwise.

**Miscellaneous.** Abandonment or neglect or refusal to provide for wife or minor children under sixteen years of age is a misdemeanor and is punishable by fine or imprisonment or both. Any fine recovered may be used for the support of wife and children. In any action for abandonment husband and wife are competent witnesses.

Either husband or wife is incompetent to testify against the other in criminal actions to which one or both are parties, except with consent of both, or in case of criminal violence upon one by the other.

Either husband or wife is the "head of the family," and either may select and claim homestead exemption, and if husband or wife deserts his or her family the exemption continues in favor of the other.

The husband has no right of recovery for personal injury or wrong to the wife, or for expenses connected therewith, but the wife may recover against a third person for such injury or wrong as if unmarried, and such recovery shall include medical treatment and other expenses paid or assumed by the husband.

Conveyances, transfers or liens executed by either husband or wife in favor of the other are valid, as between other persons, and either may appoint the other attorney in fact to manage, control, or dispose of property.

A woman may act as executrix or administratrix, and if appointed before marriage, she may continue to act after marriage, if there is no objection raised by some interested party. In case of such objection, the court will cancel her authority. She may act as executrix, though married, if nominated in a will.

Married women are not responsible for crimes committed under threats, command or coercion of their husbands, provided such crimes are not punishable by death.

A woman is of age at eighteen or before if she is married.

**Political Status.** Women have had full political rights in Utah since 1896. the constitution providing

that "The right of citizens of the State of Utah to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this state shall enjoy equally all civil, political and religious rights and privileges."

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## VERMONT

**Marriage.** A license or certificate of intention to marry must be procured. This must be signed by the applicants. If parties or one of them is a minor, the consent of parent or guardian must be obtained. Marriages according to the custom of the society of Quakers are valid.

**Divorce.** Causes for divorce are: adultery; intolerable severity; confinement at hard labor in state prison for three years or more or for life, when actually confined at the time of action, wilful desertion for three consecutive years, for gross or wanton or cruel neglect or refusal of the husband to provide suitable maintenance for the wife, he having sufficient pecuniary or physical ability to make such provision. The parties must have lived together in this state and the plaintiff must have been a resident one full year next prior to bringing suit.

No divorce will be decreed for a cause which occurred in another state or country before the parties lived together in this state as husband and wife, and while neither party was a resident of this state, unless the plaintiff shall have resided in the state at least two years, and in the county where suit is brought at least six months next before the term of court in which ac-

tion has been commenced. The defendant cannot marry again until three years after decree is entered, if the plaintiff is still living.

A divorce from bed and board may be decreed for any cause which would be sufficient to secure a divorce. The court has power to make all necessary orders for support, and for custody of children. Both temporary and permanent alimony may be allowed.

Except when divorce is granted for adultery of the wife, the wife's separate estate may be restored to her and she is entitled to immediate possession.

If divorce is granted for wife's adultery, the court may decree the husband such part of the real and personal estate of the wife as may be just under the circumstances. The property of the wife restored to her, may be paid directly to the wife or to a trustee for her use and benefit.

Marriages are void without decree, if parties are within the prohibited degrees of consanguinity or affinity, and they may be declared null for non-age; mental incapacity; physical incapacity, or if consent was obtained by force or fraud.

Upon granting a divorce the wife may be permitted to resume her former name.

**Property Rights.** November 15, 1847, married women were given power to will property. In 1870 an act was passed giving a wife control of her wages if her husband did not support her, if she filed a petition to the county court, showing facts and asking for the right. November 26, 1884, married women were granted control of property and by an act of November 19, 1888, full control of wages was authorized.

All personal and real property owned by a woman

at marriage, and that acquired afterwards, except from her husband, and the income, rents, and profits of such property constitute her separate estate. It is free from control of her husband nor is it liable for his debts. The annual income from her real estate is liable for debts incurred by the husband for necessaries for the family, or for labor and materials used upon it, or for its cultivation and improvement. Her earnings are exempt from her husband's debts. A wife may bind herself and her property by contracts of all kinds as if unmarried, but contracts directly between husband and wife are invalid. She cannot convey her real estate without her husband's signature and she cannot become surety for his debts, except by mortgage of her real estate.

Upon the death of either husband or wife, the survivor is entitled to one-third of the real and personal property absolutely in lieu of courtesy or dower. If there are no children and the estate does not exceed two thousand dollars, the survivor is entitled to it all. If it exceeds that sum the survivor may have two thousand dollars and half the remainder, unless there is no kindred entitled to inherit, when the entire estate goes to the survivor.

If the husband's estate does not exceed three hundred dollars it may all be assigned to the widow and minor children or either.

Either surviving husband or wife may waive any provisions of a will in his or her favor and elect to take the portion of the estate provided by statute.

The survivor is entitled to an allowance sufficient for support during settlement of the estate or until shares are assigned. In case of an insolvent estate this

must not be for longer than eight months, and an allowance must also be made sufficient to support minor children until they are seven years of age, before payment of debts or claims

The survivor is entitled to all articles of wearing apparel and ornament, the wearing apparel of the deceased, and other personal property amounting to one-third of the personal estate, after payment of debts.

A homestead not to exceed five hundred dollars in value will go to the widow absolutely, but its value will afterwards be deducted from her distributive share of the real property

**Guardianship.** The father, while living, is the guardian of his minor child and has the custody of the person and care of the education, and he may appoint a guardian by his will. If the father is dead the mother is the guardian of the person if deemed suitable.

**Miscellaneous.** The husband is not liable for debts of the wife contracted before marriage, nor for any civil injuries committed by her.

The husband may not adopt a child without the consent of the wife

If a husband deserts or neglects to support his wife, from intemperance or other cause, she may make contracts for the labor of her minor children and shall be entitled to their wages, and may in her own name sue for and recover them.

When a married man is incapacitated by intemperance, insanity or otherwise for supporting his family, or deserts, neglects or abandons his wife, or by ill-treatment or criminal conduct causes her to live apart from

him, or is sentenced to or confined in the state prison, she may be authorized to sell and convey her real estate.

Men are of age at twenty-one and women at eighteen

Every person who is eighteen years of age may make a will. A married woman may make a will of all her property, both real and personal.

If a woman is acting as administratrix, executrix, guardian or trustee, her authority is not extinguished by subsequent marriage.

A wife may cause her husband's life to be insured for her benefit, with his consent. The premium must not exceed three hundred dollars annually, and the proceeds will go to the wife free from claims of creditors. If the husband survives his wife, such insurance may be made payable to her children.

**Political Status.** Since 1880, women have had full school suffrage.

Women are eligible to school offices, town offices, town superintendent of schools and trustees of public libraries. They may be appointed notaries public.

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## VIRGINIA

**Marriage** A male person fourteen years of age or a female who is twelve may consent to marriage. If either is under twenty-one, consent of parent or guardian is necessary, given personally, or in writing subscribed by one witness under oath. Ministers and other persons appointed to perform marriages are required to give bond to the court. Marriages between

persons belonging to any religious society performed according to the custom of that society are valid. Marriages between white and colored persons are prohibited and are void.

**Divorce.** Causes for divorce are adultery, impotency; sentence to the penitentiary regardless of subsequent pardon, conviction of either of infamous offense before marriage unknown to the other, when either is charged with an offense punishable with death or imprisonment, and is a fugitive from justice and is absent two years, abandonment for three years, if the wife has been a prostitute or was pregnant before marriage, unknown to the husband. Divorce from bed and board may be granted for cruelty, or reasonable apprehension of bodily hurt, and abandonment.

A residence of one year is required prior to the action and one of the parties must be living in the state at time of bringing suit.

Marriages between white and colored persons, or if one of the parties was under age and they separate during such marriage; or if former husband or wife is living, are void without legal process.

If parties are within the prohibited degrees of consanguinity or affinity, or insane, or impotent, the marriage may be declared void by decree of divorce or nullity.

The court has discretionary power in regard to amount of alimony and custody of children. No alimony will be granted the husband, and if the decree is in favor of the husband, the wife will not be given alimony.

In granting a divorce for adultery, the court may

decrees that the guilty party shall not marry again, but such decree may be revoked or annulled at any time for good cause shown.

A decree of divorce may be revoked at any time upon the joint application of the parties and proof of reconciliation.

**Property Rights** By the Code of 1849, married women were given power to will property. An act of April 4, 1877, conferred authority to control property and to control wages, but only if a sole trader. Since 1899 they have had absolute control of property.

All property real and personal owned by a woman at marriage or acquired afterwards by her in any way, including her earnings and profits from trade or business, constitutes her separate estate. She has "the right to acquire, hold, use, control and dispose of property as if she were unmarried." The husband has no right of possession, use, or to the rents, issues or profits of real estate during the marriage, nor is it subject to his debts or liabilities, but he cannot be deprived of courtesy by any act of the wife.

She may carry on any trade or business, and may enter into partnership with her husband or any other person. She may make all manner of contracts regarding her separate estate or her business as freely as if unmarried.

Dower and courtesy both prevail. Upon death of the husband the wife has a life-interest in one-third of his real property and is entitled to one-third of the personal estate absolutely, if there are children. If there are no living children or their descendants, the widow is entitled to the whole of the personal estate. If there

are no descendants or paternal or maternal kindred, the widow is entitled to all the real estate.

Upon death of the wife, the husband is entitled to a life interest or estate in all of her lands, if a living child has been born, and he takes all of her personal property absolutely.

If a husband has made provision for his wife by will, or by conveyance in lieu of dower, she is free to accept such provision or to take dower.

Until dower is assigned the widow is entitled to one-third of the issues and profits of any real estate to which dower attaches. The widow and minor children are entitled to all exempt property including wearing apparel and ornaments, and to the homestead not exceeding two thousand dollars in value.

**Guardianship.** The father is guardian of his minor child or children and may appoint a guardian by will for such time as he pleases. Every mother may appoint a guardian by will, if the father is not living, and there is no guardian duly appointed by the father.

**Miscellaneous.** If a husband wilfully deserts his wife and such desertion continues until her death he can claim no interest in her property.

A married woman may make a will of all her personal property at eighteen and of her real property at twenty-one, but she cannot deprive her husband of his right to courtesy by will. Marriage revokes a will previously made.

A husband must provide his wife a support according to his means and circumstances. If he fails to do this, he is guilty of a misdemeanor and may be punished accordingly. He is not responsible for any contract, liability, or civil wrong of the wife.

A married woman may contract and be contracted with and sue and be sued in the same manner and with the same consequences as if she were unmarried.

She may act as administratrix or executrix, and her subsequent marriage does not of itself operate to revoke her authority, but on motion of any surety on her bond, or of any other interested party, the court may revoke her appointment.

Wearing apparel purchased by separate funds of the wife, belongs to her. All purchased with her husband's money, or given to her by him belongs to him, but he can neither sell it nor will it without her consent, and it is included in the "allowance" to which she is entitled after his death.

**Political Status.** Women have no suffrage in this state. They are not eligible to any public office. They may not practice law, but may be appointed to the office of notary public.

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## WASHINGTON

**Marriage.** The legal age for marriage is twenty-one for men and eighteen for women. If the parties are under this age, the consent of parent or guardian is necessary. A license must be obtained before the marriage can be solemnized, but no license must be issued if the female is under fifteen. The person issuing the license, and those who are authorized to perform the ceremony, as well as the parties themselves, are subject to certain penalties for violation or evasion of the law. Common law marriages are not recognized.

**Divorce.** Causes for divorce are adultery, impotency, cruel treatment; personal indignities rendering life burdensome; abandonment for one year, habitual drunkenness, neglect or refusal of the husband to make suitable provision for his family, imprisonment of either in the penitentiary, if complaint is filed during such imprisonment; if consent was obtained by force or fraud; and incurable insanity if it has existed ten years.

If application is made for any other cause than those named, it is within the discretion of the court to grant the divorce if he deems the cause sufficient, and is satisfied that the parties can no longer live together. If adultery is charged the application must be filed within one year from knowledge of the offense.

A residence of one year within the state is required. Neither party can contract another marriage within six months after decree is entered, and if an appeal is taken neither can marry until judgment is rendered upon the appeal. If either party contracts a marriage within or without the state in violation of the provisions of this law, it is void here.

Marriages within certain degrees of consanguinity and affinity, or if either party has a husband or wife living are prohibited and therefore void; if parties, or either of them, were incompetent because of nonage, mental incapacity, or if consent was obtained by force or fraud, the marriage may be declared void at the suit of the party laboring under the disability, or upon whom force or fraud is imposed.

The court has discretionary power concerning the division of property of both parties, and may award

the custody of minor children to either party, as may appear to be for the best interests of the child. If the wife requests it her name may be changed when the decree is entered.

**Property Rights.** Married women were given control of property and wages, also power to will property November 14, 1879. At the present time, the law states that "every married person shall have the same right and liberty to acquire, hold, enjoy and dispose of every species of property and to sue and be sued as if unmarried."

All property belonging to either husband or wife at time of marriage or acquired by gift, devise, bequest or inheritance, with the rents, issues and profits thereof, is the separate property of each, and is not subject to the debts or contracts of the other, and each may manage, lease, sell, convey, encumber or dispose of such property by will, as fully and to the same extent as if unmarried.

Earnings of a wife by her personal labor belong to her, also the earnings and accumulations of herself and minor children living with her or in her custody, while she is living separate from her husband are her separate property. Separate property of either husband or wife is liable for the debts of the owner whether contracted before or after marriage.

Either husband or wife may maintain an action against the other to recover separate property of which either has wrongfully obtained possession. They may contract with each other and conveyances of property directly to and from each other are valid, if not in fraud of creditors.

Property acquired otherwise than as above during marriage, is community property, and the Supreme Court has held that earnings of the wife, if living with her husband, are community property. The husband has the management and control of all the community property, but he cannot sell, convey or encumber the real estate, unless his wife joins in the deed or mortgage. He may dispose of the community personal property as freely as his own separate estate, but he cannot, by will, deprive his wife of her half interest in either real or personal property.

Husband and wife may enter into any agreement concerning the disposition of any portion, or of the whole, of any community property then owned by them or afterwards to be acquired, to take effect upon the death of either. Such agreement must be in writing and acknowledged the same as deeds of real estate.

Expenses of the family and education of the children are chargeable upon the property of both husband and wife or of either of them, and in relation thereto they may be sued jointly or separately.

Dower and courtesy are abolished. If either husband or wife dies without a will leaving no children or only one child, the survivor is entitled to one-half the separate real estate. If there is more than one child living or the lawful issue of one or more deceased children, the survivor takes one-third of the real estate. If there are no children, father, mother, brothers or sisters, of the decedent living, the survivor is entitled to all of the real property. The surviving husband or wife is entitled to one-half the separate personal es-

tate, if there are children, and to all of it, if there are no children. The survivor also takes one-half of the community property and if the other half has not been disposed of by will, it also goes to the survivor subject to community debts

A widow is entitled to an allowance of all wearing apparel and ornaments, with provisions and other necessaries not exceeding five hundred dollars in value

A homestead not exceeding two thousand dollars in value is exempt and it may be selected from the community property, or from the husband's separate property, or from the separate property of the wife with her consent. The homestead cannot be conveyed or mortgaged unless husband and wife join in the deed or mortgage

Upon the death of either, the homestead vests absolutely in the one from whose separate property it was selected, or if it was selected from community property, it may be included in the half which goes to the survivor, or if this cannot be done it may be sold and proceeds divided, like other community property. The disposition of the homestead is always subject to an order of the court giving the surviving husband or wife and minor children the right of occupancy for a limited period, usually until the majority of the youngest child

**Guardianship of Children.** The rights and responsibilities of parents in the absence of misconduct, are equal, and the mother is as fully entitled to the custody, control and earnings of the children as the father, and on the death of the father the mother comes into

as full and complete control of the children and their estate as the father does in the case of the mother's death.

**Miscellaneous.** Either husband or wife may be the head of the family under certain circumstances and for all homestead and exemption purposes.

Women are of age at eighteen and may act as *executrix* or *administratrix*, and subsequent marriage does not extinguish their authority.

Desertion is punishable by fine or imprisonment or both. When a fine is imposed, the court may order that part, or all of it, shall be paid to the wife.

"All laws which impose or recognize civil disabilities upon a wife which are not imposed or recognized as existing as to the husband, are abolished."

Women whether married or single are free to engage in any employment, business or profession, Section 6569 of the Code providing as follows: "Hereafter in this state every avenue of employment shall be open to women, and any business, vocation, profession and calling pursued by men may be followed and pursued by women, and no person shall be disqualified from engaging in, or pursuing any business, vocation, profession, calling or employment on account of sex; Provided this section shall not be construed so as to permit women to hold public office"

**Political Status.** In November, 1910, an amendment to Section 1 of Article IV of the State Constitution was adopted which, after stating the required qualifications of voters, confers the right of full suffrage upon women in these words: "There shall be no denial of the elective franchise at any election on account of sex."

In 1911, women were declared competent to serve as jurors in superior courts, but they may claim exemption from this duty if they care to do so.

Women have been eligible to many offices, and are now probably eligible to all under the amended constitution.

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### WEST VIRGINIA

**Marriage** The age of consent to marriage is eighteen for men and sixteen for women. If either is under twenty-one the consent of parent or guardian is necessary, given personally, or in writing verified by one witness under oath. All persons appointed to perform marriages are placed under bond. Marriages solemnized according to the custom or usage of any religious society are valid. Marriages between white and colored persons are prohibited and are void.

**Divorce** Causes for divorce are adultery; impotency; wilful abandonment for three years, sentence to imprisonment in the penitentiary, conviction of infamous offense before marriage unknown to the other; pregnancy of the wife at time of marriage by another unknown to the husband, where the husband prior to the marriage unknown to the wife had been a notoriously licentious person.

Divorce from bed and board may be granted for cruel or inhuman treatment; reasonable apprehension of bodily harm; desertion; habit of drunkenness formed since marriage.

One of the parties must have been a resident of the state at least one year. The court may decree in its discretion as to the custody of children and support of

the parties. Adultery of the wife bars dower, or if she voluntarily leaves her husband for any cause which would not justify an absolute or partial divorce, it will bar dower. If a husband leaves his wife for a cause which would not justify a divorce, it will bar his right to courtesy.

In case a limited divorce is granted and the parties are not reconciled within two years, the court, upon application and the necessary evidence, may decree an absolute divorce, if in his opinion a future reconciliation is impossible.

A wife may prosecute a suit for divorce or separation in her own name.

Marriages may be declared void between white persons and negroes; if a former husband or wife is living; if parties are within the prohibited degrees of relationship, if either was of unsound mind or physically incompetent; or if either was under legal age.

**Property Rights.** March 2, 1868, married women were granted power to will property. In 1884, they were given control of wages if living separate from the husband. February 16, 1893, they were granted control of both property and wages.

All property owned by a woman at marriage, whether real or personal, and all acquired afterwards in any way, except from her husband, and the rents, issues and profits from such property, constitutes her separate estate, which she may hold, convey or dispose of by will. It is free from her husband's control, and is not liable for his debts, but she cannot, if living with her husband, convey her real property, unless he joins in the conveyance. Her property is liable for all debts incurred before marriage, but it is not liable for neces-

saries for herself and family unless she makes such debts her own. Her personal property and the income from her real estate may be taken for her debts, but the real estate itself cannot be thus applied unless a lien or mortgage is placed upon it as security. Property acquired from the wife by the husband, by ante-nuptial contract or otherwise, is liable for ante-nuptial debts of the wife.

A married woman may transact business as if she were single, and her separate estate is liable for all debts incurred in transaction of such business. When a married woman was given authority to become a sole trader in 1891, it was conditioned upon her not employing her husband, or any one else as her agent, nor could she have a partner. An act of 1893 removed these restrictions, and she may now form a partnership, or employ an agent or manager for her separate business. Her earnings and all property purchased with them are her own.

Dower and curtesy both exist. Dower attaches to all property owned by the husband during marriage, which has not been lawfully barred or relinquished. Curtesy attaches to all of the wife's real property, whether there has been issue born alive or not. The wife's estate of dower may be barred if she accepts property, either by marriage settlement before marriage, or during the marriage, or by the provisions of her husband's will, in lieu of dower. The husband's right of curtesy may be barred in the same way.

If there are neither descendants nor kindred entitled to inherit, the entire real estate of a husband or wife, dying without a will, goes to the survivor.

If there are children, the surviving husband or wife

is entitled to one-third of the personal estate, and to all of it if there are no children.

The widow is entitled to one-third of the income or profits from real estate until dower is assigned, and the surviving husband or wife is entitled to a homestead of one thousand dollars in value and personal property to the value of two hundred dollars. The homestead may be held by minor children until the youngest is twenty-one years of age, if there is no surviving parent.

**Guardianship.** Every father or mother, if she be a widow, may appoint a guardian by will for his or her minor child, born or to be born, and for such time as he or she may direct.

**Miscellaneous.** The husband must furnish support for his wife and family according to his circumstances and condition in life, and non-support is punishable by fine or imprisonment or both.

A married woman may appoint an attorney in fact to convey her real property, or to bar her dower. She may insure her husband's life for her benefit. The premium must not exceed one-hundred and fifty dollars per year. If her husband survives her, the insurance may be made payable to her children.

A woman may serve as executrix or administratrix but subsequent marriage terminates her authority.

A married woman may sue and be sued alone. She may be sued without joining her husband in the following cases: where the action concerns her separate property; where the action is between herself and her husband; where she is living separate and apart from her husband. In no case need she prosecute or defend by guardian or next friend.

A woman may receive a patent and hold and enjoy the same and all proceeds and benefits of such invention, to her own separate use, and may transfer and dispose of the same as if unmarried.

A woman may be a stockholder in a corporation and vote in person or by proxy in stockholders' meetings, and may be director, trustee or officer of such corporation.

**Political Status.** Women have no suffrage. They are not eligible to any state, county or municipal office. Citizens entitled to vote are alone entitled to such offices.

They may be admitted to practice law, but cannot be notaries public.

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## WISCONSIN

**Marriage.** Marriage is a civil contract. The legal age for marriage is eighteen for males and fifteen for females, but if the man is under twenty-one or the woman under eighteen, the consent of parent or guardian must be obtained. This consent must be given personally, or in writing verified by two witnesses. At least five days before the marriage, a license must be obtained in the county where the female resides, or if not a resident of the state, then from the clerk of the county where the marriage is to take place. The county judge, or judge of court of record, may in his discretion authorize such marriage without license, or the delay of five days after issuance of the license.

No particular form is necessary, except the declaration of the parties themselves in the presence of the

person who performs the ceremony, and of two witnesses, that they take each other as husband and wife. Marriages between Quakers according to their custom are legal, also marriages between Indians according to Indian forms and usage.

**Divorce.** Divorce may be from the bonds of matrimony, or merely from bed and board. Divorce from bed and board may be forever or for a limited time and in case of a reconciliation between the parties, they may apply for a revocation or suspension of the decree.

Causes for absolute divorce are, adultery, impotency; when either party, subsequent to the marriage, has been sentenced to imprisonment for three years or more, wilful desertion for one year; cruel and inhuman conduct; habitual drunkenness, when husband and wife have lived entirely separate for five years.

Divorce from bed and board may be decreed for desertion for one year; cruel or inhuman conduct, habitual drunkenness, neglect of husband to provide; or when his conduct towards his wife renders it unsafe or improper for her to live with him.

A judgment or decree of divorce does not become effective until the expiration of one year, so far as it affects the status of the parties, and it may be reviewed or an appeal taken within that time. If an appeal is taken and is still pending at the end of a year from date of the decree, it does not go into effect until the appeal is finally determined. The parties cannot marry again within this time.

A residence of two years is required, except where

cause is adultery or bigamy. The party bringing action must be a resident when cause of action occurred, and must have continued residence until commencement of suit.

Divorces obtained in another state or country which are legal where obtained are legal here, except where inhabitants of this state shall go into another state, territory or country, for the purpose of obtaining a divorce, for a cause which occurred here or for a cause which is not ground for a divorce in this state; a decree so obtained shall be of no force or effect in this state.

No divorce will be granted by collusion or agreement, but parties may agree as to the division of property, or for alimony or support of children, if divorce be granted.

The court has discretion to award the care and custody of children to either party, or may give the custody to another, as may seem best for the child. The court granting the decree always has power to change or modify that portion of the decree relating to care and custody of children. The husband may be ordered to support the wife and children by his labor or out of his property, and if there are no children the wife may be allowed to resume her former name.

Upon rendering a judgment annulling a marriage, the court may make provision for restoring to the wife, the whole or such part, as it may deem just and reasonable, of any estate which the husband may have received from the wife, or the value thereof, and may compel him to disclose what estate he received and

how the same has been disposed of. When a decree of absolute divorce is granted, the wife is not entitled to dower in lands of her husband.

A divorce counsel must be appointed in each county, by the judge of the circuit court, who must appear in behalf of the public, and he must present the case and fully advise the court as to its merits, and the rights and interests of the parties, and of the public. No decree shall be granted until this is done and the proposed findings and judgment shall be submitted to the divorce counsel. If the court refuses to grant an absolute divorce, alimony may be decreed and divorce from bed and board.

Marriages may be annulled for any of the following causes existing at time of the marriage: impotency, consanguinity or affinity nearer than first cousins, when either had a husband or wife living; fraud, force or coercion, insanity or idiocy, non-age of either.

**Property Rights.** Married women were given control of property February 1, 1850, and power to will it was granted March 14, 1859. March 25, 1872, her earnings or wages were secured to her.

All property, both real and personal owned by a woman at marriage or afterwards acquired in any way, together with the rents and profits from all such property, is her separate estate, free from her husband's control and from liability for his debts. She may manage, control, convey or will it as freely as if she were unmarried, and her conveyance of real estate does not require the assent or signature of the husband. Her earnings or wages, except for labor per-

formed for her husband, are her own. She may make all manner of contracts in relation to her separate estate, and may sue or be sued alone concerning such contracts. Contracts and conveyances of property directly between husband and wife are valid and will be upheld when not in fraud of creditors.

If her husband has deserted her or from drunkenness, profligacy or any other cause neglects or refuses to provide for her support, or for the support and education of the children, the wife may transact business in her own name, and may collect and receive the profits of such business, also her own earnings and the earnings of her minor children in her charge or under her control, and apply the same for the support of herself and for the support and education of her children. Such business and earnings are not subject to control or interference of the husband, nor liable for his debts. The husband is not liable for the wife's ante-nuptial debts, but her separate estate is liable for such debts.

A conveyance of the homestead from the husband to the wife is valid, but any conveyance of the homestead to others without the wife's signature is invalid.

Dower and courtesy both prevail, but attach only to lands owned at time of death. The wife has a life estate in one-third of all lands owned by the husband, and the husband a life interest in all of the wife's real property not disposed of by will, except in property which may have come to her from a former husband, if there are surviving children of the former marriage.

If there are children, the personal estate is divided

equally between the survivor and children. If there are no children, the surviving husband or wife takes the entire estate both real and personal

The widow shall be allowed her wearing apparel and ornaments and all wearing apparel and ornaments of the deceased, the household furniture of the deceased not exceeding two hundred and fifty dollars in value, and other personal property to be selected by her not exceeding two hundred dollars in value.

The widow and minor children are also entitled to a reasonable allowance out of the estate sufficient for their maintenance, during the settlement of the estate, but not for a longer time than until their shares shall be assigned to them, and in case of an insolvent estate not longer than one year after granting letters of administration

When a person shall die either testate or intestate, leaving children under seven years of age, or when the mother shall die before the children are seven years of age, and before the settlement of the estate, an allowance shall be made out of the estate for the necessary maintenance of such children until they arrive at the age of seven years

The widow is entitled to the homestead, consisting of forty acres of land or one-fourth of an acre in city or town, if there are no children. If there are children, she may have the use and occupancy during her widowhood, and upon her death or subsequent marriage it will go to the husband's heirs

If upon the return of the inventory of any estate, it shall appear that the whole estate does not exceed five hundred dollars in addition to allowances, the

court may assign the whole of it, for the use and support of the widow and minor children, or for the support of the children under seven years of age, if there is no widow, after payment of funeral charges and expenses of administration.

**Guardianship** The father if living, and in case of his death, the mother while she remains unmarried, being themselves respectively competent to transact their own business, and not otherwise unsuitable, shall be entitled to the custody of the person and estate of the minor and to the care of his education. Providing that if the father shall abscond, leaving such minor with the mother, the mother shall have the same right to the custody of such minor as if the father were dead.

**Miscellaneous.** Any person who shall without just cause, desert or wilfully neglect or refuse to provide for the support and maintenance of his wife in destitute or necessitous circumstances; or any person who shall without lawful excuse, desert or wilfully neglect or refuse to provide for children under sixteen years of age, shall be guilty of a crime and may be punished by fine or imprisonment, or both. The husband or wife is a competent witness, and proof of desertion is *prima facie* evidence that such desertion or refusal to support, is wilful.

A wife may employ her husband as agent to manage her separate estate and carry on her business and may pay him a salary for such service, and creditors will have no claim to the profits of the business.

A married woman, with consent of her husband, may insure his life for her sole use and benefit and the proceeds of such insurance shall be her separate prop-

erty. Or if her husband insures his life for her benefit, such insurance is her separate property, and in case of her death it may be made payable to her children or to their guardian for their use. With consent of her husband, she may assign all interest in such policy.

A married woman may appoint an attorney to convey land or bar dower in the same manner and in the same cases as she might do personally.

A married woman may be appointed and act as general guardian, trustee, executrix and administratrix in any case whatsoever, and has the same powers and is subject to the same liabilities as are other guardians, trustees, executors, or administrators.

A wife has the same remedies to prevent or restrain her husband from unlawfully interfering with her property as she has against any other person.

A married woman cannot bind herself by a promissory note or as surety or endorser for another, without words expressly charging her separate estate with the payment of the debt.

A wife cannot enter into partnership with her husband or with any other person, if she has no separate estate.

A married woman may sue in her own name, and has all the remedies of an unmarried woman in regard to her separate property or business, and judgment may be rendered against her and her separate property in all respects as if she were unmarried. She may bring and maintain an action in her own name for injury to person or character and damages recovered will be her separate property. The husband still has a right of

action for expenses incurred and for loss of services in case of personal injury.

A husband or wife shall not be allowed to disclose a confidential communication made by one to the other during marriage, without the consent of the other, but a wife may be a witness against her husband for personal violence to herself, and in actions for necessaries furnished her, and for wife or child abandonment.

No assignment of the salary or wages of a married man, exempt by law from garnishment, shall be valid for any purpose, unless it is signed by the wife and unless her signature is witnessed by two disinterested witnesses.

Every person who is twenty-one years of age, and any married woman who is eighteen or over may make a will of both real and personal property.

**Political Status.** In 1890, women were granted school suffrage. They are eligible to all school offices either by election or appointment, they may be attorneys, notaries public, court commissioners if attorneys, assignees, or receivers

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## WYOMING

**Marriage.** Marriage is a civil contract. A marriage is legal if the man is eighteen and the woman sixteen years of age. A license must be procured from the clerk of the county where the marriage is to be solemnized and if either party is a minor, the consent of the parent or guardian of such minor must be given either in person, or in writing with one wit-

ness. No particular form is necessary but there must be two witnesses. Marriages are prohibited between near relations, including first cousins.

**Divorce.** Causes for divorce are adultery; impotency; extreme cruelty; wilful desertion for one year; habitual drunkenness; conviction of felony and sentence to imprisonment after marriage, conviction of felony before marriage unknown to the other; neglect of husband for one year to provide his wife with the common necessaries of life, if able to do so by ordinary industry; intolerable indignities; vagrancy of husband, pregnancy of wife at time of marriage unknown to the husband and without his agency.

Unless the marriage was performed in the state and the plaintiff has resided in the state continuously until beginning suit, a residence of one year is necessary. Adultery will not be cause for divorce unless the suit is commenced within three years of the time when the offense was discovered. Neither party can marry within one year from date of the decree.

If the husband fails to support his wife and children, or either of them, the wife may sue for support without divorce. The court may award temporary alimony and attorney's fees during litigation and make provision for the care, custody, and education of the children.

Whenever divorce is granted for any cause except adultery of the wife, she shall be entitled to the whole, or such part as the court deems just, of the personal estate that has come to the husband by reason of the marriage or the value thereof. She may also be awarded alimony out of her husband's estate.

A marriage may be declared void for non-age, or if it was obtained by force or fraud. Marriages are void without legal proceedings for bigamy; mental incapacity, or if parties are within the prohibited degrees of relationship.

**Property Rights.** December 4, 1869, married women were given control of property and wages and power to will property.

All property owned by a woman at marriage and afterwards acquired by her in any way except from her husband, and the rents and profits thereof, is her separate estate, free from the control of her husband and from liability for his debts. It is liable for her debts whether contracted before or after marriage. She may manage, control, sell, convey and will it all, as freely as if she were unmarried, except that she cannot deprive her husband of his share in her estate. No conveyance of the homestead is valid, unless both husband and wife join in the conveyance.

There is neither courtesy nor dower. Upon the death of either husband or wife, leaving a child or children, the survivor is entitled to one-half of the entire estate both real and personal. If no issue survives and the estate exceeds ten thousand dollars the survivor takes three-fourths, if the entire estate does not exceed ten thousand dollars, the survivor takes it all, subject to payment of debts and expenses of administration.

The survivor and minor children are entitled to remain in possession of the homestead, not exceeding fifteen hundred dollars in value, all wearing apparel of the family and all household furniture, and all oth-

er property exempt from execution, also an allowance sufficient for a reasonable support, during settlement of the estate, to be allowed by the court. If the amount set apart is not sufficient, the court may increase it. The allowance must be paid in preference to claims of creditors or other claims, except funeral expenses and expenses of administration. If the homestead was selected from the separate property of either without consent, it reverts, on the death of the person from whose property it was selected, to his or her heirs, subject to power of the court to assign it for a limited time to the family of the decedent.

All property set apart, belongs to the survivor if there are no children. If there is a child or children, one-half belongs to the survivor. If there is no surviving husband or wife the allowance belongs to the children. If the estate does not exceed fifteen hundred dollars, it may all be assigned for the support of the widow and minor children. If the wife has a maintenance derived from separate property equal to the portion set apart, the whole property, except the homestead, shall go to the minor children.

**Guardianship.** The father is the natural guardian of the minor child or children. If he dies or becomes incapable, the mother becomes the guardian. The actual guardian may appoint a guardian by will.

**Miscellaneous.** Every person of full age and sound mind may make a will of all his or her property, except what is sufficient to pay debts, or what is allowed by law to husband and family or to wife and family.

If judgment is rendered against husband and wife for damages because of civil injuries committed by

the wife, execution on such judgment shall first be levied on property of the wife.

If a married woman is named in a will as executrix she may be appointed and serve as though she were unmarried, but otherwise she cannot act as executrix or administratrix. If an unmarried woman is appointed, subsequent marriage extinguishes her authority.

Wife or child abandonment is punishable by imprisonment.

**Political Status.** A bill was introduced in the first territorial legislature, giving women full political rights, and became a law December 10, 1869. The constitution adopted by the people twenty years later, November 5, 1889, provides as follows: "Since equality in the enjoyment of natural and civil rights is made sure only through political equality, the laws of this state affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex or any circumstance or condition whatsoever, other than individual incompetency or unworthiness duly ascertained by a court of competent jurisdiction. Both male and female citizens shall equally enjoy all civil, political and religious rights and privileges."

No person shall have the right to vote who shall not be able to read the constitution of the state.

Women are eligible to all offices, but they are exempt from jury service.

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## THE STATUS OF WOMEN IN THE U. S.

no other provision on your instrument shall first be made in favor of property of the wife.

The married woman is named in a will as executrix who may be nominated and chosen so though she were unmarried, her husband should not be substituted in her place. If an unmarried woman is appointed, her husband may be substituted by agreement.

Marital or child attachment is punishable by imprisonment.

~~United States.~~ A bill was introduced by the last territorial legislature, giving women full political rights, etc. became a law December 16, 1855. The constitution adopted by the people twenty years later, November 6, 1865, provided as follows: "That equality in the enjoyment of natural and civil rights be and it is hereby established political equality, the laws of the state affecting the political rights and privileges of men and women shall be without distinction of race, color, or other physical peculiarities or conditions whatsoever, other than such that become established or are maintained only by a grant of competent jurisdiction. Both male and female citizens shall equally enjoy all civil, political and religious rights and privileges."

No person shall have the right to sue who shall not be able to read the constitution of the state.

Women are eligible to all offices, but they are exempt from jury service.



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